

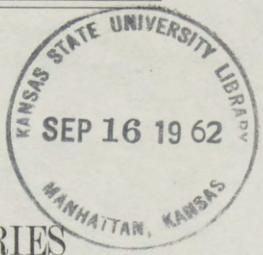
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MEDICAL CARE FOR SELF-EMPLOYED FISHERMEN

GOVERNMENT

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HEARING
BEFORE THE
MERCHANT MARINE AND FISHERIES
SUBCOMMITTEE
OF THE
COMMITTEE ON COMMERCE
UNITED STATES SENATE
EIGHTY-SEVENTH CONGRESS
SECOND SESSION
ON
S. 367

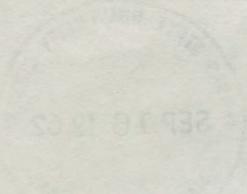
A BILL TO PROVIDE MEDICAL CARE FOR CERTAIN PERSONS
ENGAGED ON BOARD A VESSEL IN THE CARE, PRESERVA-
TION, OR NAVIGATION OF SUCH VESSEL

MAY 2, 1962

Printed for the use of the Committee on Commerce



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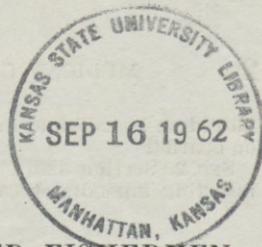
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MEDICAL CARE FOR SELF-EMPLOYED FISHERMEN

WEDNESDAY, MAY 2, 1962

U.S. SENATE,
COMMITTEE ON COMMERCE,
SUBCOMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The subcommittee was called to order, pursuant to notice, at 10:15 a.m., in room 1114, New Senate Office Building, Hon. E. L. Bartlett presiding.

Senator BARTLETT. The subcommittee will be in order.

Today the Subcommittee on Merchant Marine and Fisheries is in session to hear witnesses on S. 367, a bill to restore medical care benefits under the Public Health Service Act to certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel.

Our first witness today will be Congressman Miller of California. He is very much interested in seeing that these rights be restored to our fishermen and has introduced H.R. 2262, a bill seeking the same objective as S. 367.

Then we will hear from other witnesses who have come, some of them from long distances, to testify on this bill.

The extent of the problem is perhaps demonstrated by the fact that the American fishing fleet is managed by 130,431 fishermen who are engaged in fishing from 12,018 vessels.

I now place in the record the bill S. 367, to provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel, and a similar proposal by Congressman Clem Miller, H.R. 2262, a bill to permit certain owners of fishing boats to receive medical care and hospitalization without charges at Public Health Service hospitals. I also place in the record the sections of the Public Health Service Act that are proposed to be amended. In the Federal Register of Wednesday, May 26, 1954, on page 3027 is the regulation approved May 20, 1954, signed by Oveta Culp Hobby, Secretary of Health, Education, and Welfare, and the report of the Comptroller General of the United States and a report from the Department of Justice are hereby placed in the record.

(The material referred to follows:)

[S. 367, 87th Cong., 1st sess.]

A BILL To provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(h) of the Public Health Service Act (42 U.S.C. 201(h)) is amended by striking out "any person em-

played on board" and inserting in lieu thereof "any person employed or engaged on board".

SEC. 2. Section 322(a) (1) of such Act (42 U.S.C. 249(a) (1)) is amended by inserting immediately after "employed" the following: "or engaged".

[H.R. 2262, 87th Cong., 1st sess.]

A BILL To amend section 322 of the Public Health Service Act to permit certain owners of fishing boats to receive medical care and hospitalization without charge at hospitals of the Public Health Service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 322 of the Public Health Service Act (42 U.S.C. 249) is amended by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(8) Persons who own vessels registered, enrolled, or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels on such fishing operations and a substantial part of whose services in connection with such fishing operations are comparable to services performed by seamen employed on such vessels or on vessels engaged in similar operations."

(Re S. 367, by Messrs. Magnuson and Bartlett, to provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel)

EXCERPTS FROM TEXT OF PERTINENT SECTIONS OF THE PUBLIC HEALTH SERVICE ACT (42 U.S.C. 201, 249) SHOWING THE CHANGES PROPOSED THEREIN BY S. 367

[Matter proposed to be omitted is in black brackets; matter proposed to be added is in italics]

SEC. 2. When used in this Act—

* * * * *

(h) The term "seamen" includes [any person employed on board] *any person employed or engaged on board* in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation.

(i) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, exclusive of aircraft and amphibious contrivances.

* * * * *

SEC. 322. (a) The following persons shall be entitled, in accordance with regulations, to medical, surgical, and dental treatment and hospitalization without charge at hospitals and other stations of the Service:

(1) Seamen employed *or engaged* on vessels of the United States registered, enrolled, and licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, March 27, 1961.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of February 28, 1961, requests our comments on S. 367.

This bill would amend sections 2(h) and 322(a) (1) of the Public Health Service Act so as to extend hospital, medical, and dental benefits to any person who is on board a vessel which is registered, enrolled, and licensed under the maritime laws of the United States and who is engaged in the care, preservation, or navigation of such vessel.

While we are not aware of the precise classes of persons who are intended to be benefited by the provisions of this bill, it is clear that the effect of enactment of the proposed amendments would be to remove the present requirement that

persons must be employed on board such vessels to be eligible for benefits. Under present regulations of the Department of Health, Education, and Welfare (42 C.F.R. 32.1(d)) owners, joint owners, and spouses of such owners are specifically excepted from hospital, medical, and dental benefits. Presumably, enactment of S. 367 would operate to extend these benefits to some of such persons, as well as to passengers or guests who may be engaged incidentally in the navigation, care, or preservation of a vessel. In view of the fact that such persons would not be deriving a livelihood from employment in our merchant marine, justification for their inclusion as "seamen" under the provisions of the Public Health Service Act would appear to be questionable. However, as indicated above, we have insufficient information regarding the desirability, or the specific objectives, of this proposed legislation, and we therefore are not in a position to make any recommendation concerning the bill.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

[From the Federal Register, May 26, 1954, p. 3027, Copy of Regulation Approved May 20, 1954]

TITLE 42—PUBLIC HEALTH

CHAPTER 1—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 32—MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

Definition of Seamen

Notice of proposed rule making having been published in the FEDERAL REGISTER on March 24, 1954 (19 F.R. 1585) and consideration having been given to all relevant matter presented, the amendment of § 31.1(d) of the Public Health Service Regulations (42 CFR Part 32) as set out below is hereby adopted. Such amendment shall become effective 30 days following publication in the FEDERAL REGISTER.

Section 32.1(d) is revised to read as follows:

(d) The term "seamen" includes any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation, but does not include the owner or joint owners of a vessel or the spouse of any such owner.¹

[SEAL]

W. P. DEARING,
Acting Surgeon General.

Approved May 20, 1954.

OVETA CULP HOBBY, *Secretary.*

[F.R. Doc. 54—4037; Filed, May 25, 1954; 8:46 a.m.]

DEPARTMENT OF JUSTICE S. 367

MARCH 2, 1961.

By telephone today, Mr. Herbert Hoffman of the Attorney General's Office, advised Mr. Baynton that the Department has no recommendation to make on this bill.

Senator BARTLETT. We will now hear from our colleague from the House of Representatives, Congressman Miller.

¹ Sec. 215, 58 Stat. 690; 42 U.S.C. 216. Interprets or applies secs. 2, 321, 58 Stat. 682, 695; 42 U.S.C. 201, 248.

**STATEMENT OF HON. CLEM MILLER, A REPRESENTATIVE IN THE
CONGRESS OF THE UNITED STATES, FIRST DISTRICT, FROM THE
STATE OF CALIFORNIA**

Mr. MILLER. Mr. Chairman, I certainly do appreciate this opportunity to come before you this morning and I realize the situation on your side with respect to time and therefore I have a lengthy prepared statement which I would request might be received into evidence as read, and I would like to summarize that very briefly for you, if I may.

Senator BARTLETT. Very well.
(The statement follows:)

**STATEMENT OF HON. CLEM MILLER, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF CALIFORNIA**

I am here to testify to my strong support for Senator Magnuson's and Senator Bartlett's S. 367, to restore Public Health Service hospital and medical services to commercial fishermen who have been denied such service since 1954 because they are owners or part owners of fishing vessels.

I am the author of a House bill, H.R. 2262, which has exactly the same intent and purpose, although it would amend the Public Health Service Act in slightly different manner.

I support S. 367 because I am the representative of some 2,000 owner-operators of commercial fishing boats. They live in and operate out of my northern California district, which includes the Pacific coast from the Golden Gate to the Oregon line. In addition, this reach of coastline is visited each summer by 2,000 to 3,000 owner-operators of commercial fishing boats operating out of Alaska, Washington, Oregon, and southern California.

I support S. 367 also because I believe it would remedy a most unfortunate and unfair interpretation of our Nation's historic policy to entitle seamen, including fishermen working on commercial fishing vessels, to Public Health Service hospital and medical services.

I believe that such provision is as much in the national interest today as it was in 1798—during the administration of our second President, John Adams—when the Congress declared that such fishermen were eligible for these services.

The coastal waters off my district are our principal source for king and silver salmon, albacore-tuna and dungeness crab, which are among our most valuable food commodities.

The very nature of the troll salmon fishery, the dungeness crab fishery and the albacore-tuna fishery tends toward relatively small vessels operated generally by one man, sometimes two, but rarely more than that. Typically, these fishing boats are owned, in whole or in part, by the fisherman-operator.

I should also like to emphasize the extremely hazardous nature of the work on these small boats where the owner-operators perform all the tasks required in operating the vessel. The high accident rate among fishermen, and the resultant high health insurance rates, effectively denies them medical care and hospitalization plans available to citizens employed in other industries.

I am sure that we all appreciate the vital role filled by our fishermen in the development and defense of our country. Our Government has recognized the hazardous nature of the maritime and fishing industry since almost its beginning.

From 1798 until 1884 hospital care for seamen was provided by a per capita tax on earnings, but the term "seamen" was not defined.

In 1884 duties on tonnage were substituted for the tax and applied to the maintenance of a Marine Hospital Service. Although the tonnage tax has been retained, and from 1950 to 1960 contributed more than \$38 million to our revenue, it no longer is specifically earmarked for seamen's medical care. Cost of such care since 1905 has been met by regular appropriations from the Treasury's general fund.

As early as 1875 the term "seamen" was defined to include "any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation." This obviously included seamen working aboard fishing vessels and other small work boats, regardless of whether they held an interest or part interest in the vessel, and this was how the law was interpreted.

In 1954, however, this definition was changed by administrative ruling to exclude working owners and part owners of such vessels from the hospital and medical benefits provided by the 163-year-old law now codified in the Public Health Service Act.

This 1954 administrative ruling stemmed from claims for medical care by persons who lived on yachts and houseboats. Because they were engaged in the care or preservation of such vessels they appeared to be eligible as "seamen" under a literal interpretation of the act. But it was clear that such persons were not intended to be covered.

An opinion of the general counsel of the Public Health Service to this effect was followed by issuance of administrative regulations which had the unfortunate result of excluding, among others, the working owners or part owners of small fishing vessels. The regulations became effective in 1954.

It seems obvious that a fisherman who owns or shares in the ownership of a small fishing boat on which he works does not change his status as a fisherman. Nor does such ownership change the fact that he can readily assume the duties required of other seamen in times of national emergency.

I am in complete agreement with Senator Magnuson and Senator Bartlett that the 1954 ruling has resulted in an inequity insofar as it affects these self-employed fishermen and that the law should be modified to remove this inequity.

I feel, however, that the amendment proposed in S. 367 may be too broad. S. 367 would amend section 2(h) and section 322(a) (1) of the act by, in effect, defining an eligible "seaman" as any person "engaged" on board a U.S. vessel as well as one "employed" on such vessels.

I respectfully suggest that the committee consider amendment of S. 367 along the general lines of my H.R. 2262.

This would limit the modification to restoration of eligibility to owners or part owners of commercial fishing vessels who actually operate them.

The text of H.R. 2262 follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 322 of the Public Health Service Act (42 U.S.C. 249) is amended by striking out 'and' at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof '; and', and by adding at the end thereof the following new paragraph:

"(8) Persons who own vessels registered, enrolled, or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels on such fishing operations and a substantial part of whose services in connection with such fishing operations are comparable to services performed by seamen employed on such vessel or on vessels engaged in similar operations."

In addition, the committee may wish to consider amendment of the definition of "seamen" in the act—section 2(h)—to conform by substituting the words, "any person employed or self-employed on board," for the words, "any person employed on board" and by adding after the word "vessel" the following: "(including persons employed or self-employed as fishermen on board commercial fishing vessels)."

This would restore the policy that prevailed in this country for more than a century and a half and restore effective hospital and medical care to those fishermen-seamen who risk not only their lives and limbs but also their property in maintaining and developing an industry important not only to our economy but also to our defense in time of national emergency.

I might add, Mr. Chairman, that the legislation before you has been endorsed by virtually every commercial fishermen's organization in my part of the country. These include the San Francisco Crab Boat Owners Association, Central California Trollers Association, Bodega Bay Fishermen's Marketing Association, Fort Bragg Salmon Trollers Marketing Association, Humboldt Fishermen's Marketing Association, Crescent City Commercial Fishermen, and Halibut Producers Cooperative.

I have received a number of telegrams and letters endorsing S. 367 or H.R. 2262. I would like to offer a sampling of these for the record.

Thank you for your consideration.

Mr. MILLER. In summary I simply want to say that we are all very well aware that by tradition the employers, the men who run the fishing boats, have been included in the hospitalization coverage of all seamen. This has been a tradition which goes back to the earliest

times of the founding of our Republic and is one that has been accepted in the public interest, in the national interest. So the 1954 ruling which included the employers, the captains of the fishing boats, came as a tremendous shock.

Mr. Chairman, I received a letter dated April 25 from a very close and good friend of mine, Bill Riley, the secretary of the Humboldt Fishermen's Marketing Association, who probably knows more fishermen on the Pacific coast than almost any other man. He has the tremendous respect of everyone. He wrote me a most moving letter describing what the shock effect of this 1954 ruling was on the Pacific coast. I think it is most interesting and with your permission I would like to offer it for the record and for evidence of the committee.

Senator Bartlett. The letter will be placed in the record, Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman.
(The letter follows:)

HUMBOLDT FISHERMEN'S MARKETING ASSOCIATION, INC.,
Eureka, Calif., April 25, 1962.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.*

SIR: In 1954 when medical and hospital rights were first denied to small fishing boatowner operators, we on the central as well as the rest of the west coast received the information in the most shocking way, to say the least.

As you perhaps know, here on the west coast each fishing port has its own local fleet of fishing boats that regularly deliver its catch back to its local port. Also we have what we call the coastal or coastwise fleet that work the whole west coast during the season. This fleet is composed of boats from Juneau, Alaska, to San Diego, Calif.

This fleet fishes both salmon and albacore tuna and used to start the season fishing salmon out of Westport, Wash. on March 15, at which time the season opened there. They would work down the coast in order to be off the north coast of California in time for our opening of salmon season on May 1. Then by the last of June they would be in San Diego or San Pedro for the start of albacore run off the coast of Mexico, working as far south as the Benitos Islands of the state of Baja (Lower) California.

This fleet would follow the albacore up the coast for the rest of the season, sometimes as far north as off Vancouver Island. In order to keep informed as to coastwise fishing, all fishermen observed what is known as the silent hour on their radios. From 12 noon until 1 p.m. all radios were kept silent on the broadcast band, except for a few scattered along the coast which pass on important information.

One day in 1954 we received the news that one of our fisherman friends had been stricken with polio and was in the Marine Hospital. This was bad as he had only been married the past winter and had his wife with him for the first season. Later in the year we learned over the silent hour that he had been kicked out of the Marine Hospital and was in need of funds to help pay expenses for medical care. Everyone was quick to chip into a kitty to help out, but while this was very helpful, the amount was inadequate for the purpose and the man died. Now perhaps he would have died anyway, but we would all have felt better about it had he been able to remain in the Marine Hospital.

This is our story, and we, the members of the Humboldt Fishermen's Marketing Association, Inc. would like to go on record in favor of S. 367 as we feel that the ruling at the time was not intended against the fishing boatowner operators, but was meant to stop steamship owners from receiving free medical care, as it was felt that they were not seamen as such but as investors they were able to pay for their own medical care and hospitalization.

Congressman Clem Miller, First District of California, has entered similar legislation in H.R. 2262. I feel sure that Congressman Miller will give you all the support possible if your bill gets to the House.

Fishermen were just caught in the bight of the line and, being a small group without a large national organization behind them, it has taken a long time to get the facts out to be looked at by the proper people.

We have long felt the loss of this service to fishermen who had always known it and had never been able to include the cost of hospitalization in the price of fish.

Very truly yours,

WILLIAM O. RILEY, *Acting Secretary.*

Mr. MILLER. Of course, I talk to many fishermen, and I have hundreds of them from my district, thousands of them that come into the ports of my district. And I have received letters from all over the United States. The main point that they make is that they are unable to see the difference and the distinction between eligibility for the employees, the seamen who operate on their vessels, and eligibility for them.

On these small boats that are manned usually by the owner himself, possibly an individual crewman or two, he shares the same hardships, the same burdens, the same trials and tribulations, and also he gives the same service in times of emergency, in times of national crises. He offers his life; he also offers his boat, for which he does not often-times receive adequate compensation.

Therefore, on this basis, it seems to me that we might properly include the employers of these seamen, the employers of these boats, the captains, in the coverage of the Public Health Service Act in addition to the employees. I would very much like to urge it.

In summary, Mr. Chairman, because of the traditions involved, because of the similarity in the hazards, because of the fact that these men offer their lives and their fortunes in emergencies, both in war-time and in peacetime, we should in justice and simple equity include these men under coverage of section 322 of the act. Those of us interested and concerned, as I am sure you are, were deeply shocked and moved by the harshness of the 1954 administrative action which, to me, might seem in a way inexcusable. I do realize the reasons for it. There is no reason why the owner of a yacht should get coverage. But I think that the bill proposed by you and your colleague, Senator Magnuson, chairman of this committee, is an excellent solution.

If I may, Mr. Chairman, I would like to suggest that the committee might want to seriously consider the language which I have proposed on the House side. I understand that every Member has some reason why his particular product is the greatest and the best, but I don't offer it with any pride of ownership, but merely in the interests of possibly being helpful to the committee. I would be happy to have it receive the consideration of the committee.

As you know, the Senate bill emphasizes the idea of a person "engaged." This could admit to possible misinterpretation, misconstruction, and possibly some of the fine hands of our legal eager beavers downtown could find some substantial objection to it. It might be preferable to put in a new paragraph under section 322, at the end of paragraph 7:

persons who own vessels registered, enrolled, or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels on such fishing operations and a substantial part of whose services in connection with such fishing operations are comparable to services performed by seamen employed on such vessels or on vessels engaged in similar operations.

And I am emphasizing, of course, a change in the words "engaged" to persons who own such vessels.

Also, to be sure that we do not get into the yacht group, we are emphasizing commercial fishing operations and the fact that a substantial part of his services are in connection with such fishing operations. This would limit the modification to restoration of eligibility to operating owners or part owners, of commercial fishing boats and that is the thing which we are seeking to get at. I think that the committee in due course might regard this as preferable to the language of the present Senate bill. This, of course, would be subject to your own analyses, criticism, and so on.

So for these reasons, Mr. Chairman, I would like to submit that this is a most excellent proposal which has the complete and unqualified backing of every fisherman and every allied industry in the entire coastal area that I represent as a matter of simple justice.

I have received three letters from the members of the American Medical Association, querying me on why I should introduce such a bill and offering some objection to it. I am sure if the doctors who wrote me could take a trip or two with these fishermen they might take a different view from the one that they have assumed in a rather doctrinaire way.

With this, I would like to again express my appreciation for the opportunity to appear here before you on a matter that I feel very deeply about, that I am concerned about, and that the people of my district and all the fishermen I know and who have written to me are concerned about.

Thank you very much.

Senator BARTLETT. Thank you, Congressman Miller, for a most excellent presentation.

It is a natural fact that Chairman Magnuson and I as a cosponsor have a tremendous sense of pride of authorship in the language of S. 367. Notwithstanding, we shall examine your language very, very carefully and if it has bigger and better padlocks, I am sure that it will be substituted.

Thank you.

Mr. MILLER. Mr. Chairman, might I offer H.R. 2262 for your examination and for printing in the record?

Senator BARTLETT. It has been placed in the record.

Mr. MILLER. Thank you, Mr. Chairman.

Senator BARTLETT. Now the next witness will be Mr. Jones, Special Assistant for Health and Medical Affairs, Department of Health, Education, and Welfare.

We are very glad to have you here and will be glad to hear from you.

STATEMENT OF BOISFEUILLET JONES, SPECIAL ASSISTANT TO THE SECRETARY FOR HEALTH AND MEDICAL AFFAIRS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY DR. MYRON D. MILLER, CHIEF, DIVISION OF HOSPITALS, PUBLIC HEALTH SERVICE

Mr. JONES. Thank you, Mr. Chairman.

I am accompanied by Dr. Myron Miller, who is Chief of our Hospital Section of the Public Health Service.

Mr. Chairman, I have no formal statement other than a report on this bill submitted to the chairman of the committee by the Secretary of the Department of Health, Education, and Welfare. It is a short statement and I would like to present this to you as our testimony this morning.

Senator BARTLETT. It might be well, if it suits you, to read that.

Mr. JONES. I will do that. [Reading:]

DEAR MR. CHAIRMAN: This letter is in response to your request of February 28, 1961, for a report on S. 367, a bill to provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel.

The bill would amend sections 2(h) and 322(a)(1) of the Public Health Service Act, as amended, so as to extend the medical care benefits available in Public Health Service hospitals, outpatient clinics, and other established Service medical facilities to persons engaged on board a vessel in the care, preservation, or navigation of such vessel. Under the present provisions of the Public Health Service Act, eligibility for treatment is limited to persons "employed" on board vessels.

The effect of this amendment would be to extend eligibility for Federal medical care to two groups not eligible under present law: (1) Self-employed seamen, that is, owner-operators of small vessels, including those engaged in certain excursion of noncommercial fishing operations, and (2) passengers, guests, or others on board a registered, enrolled, or licensed vessel who are not regular members of the crew but who may perform some useful service related to the care, preservation, or navigation of the vessel.

The legislative history of this program suggests that the participation of the Federal Government in providing medical care to merchant seamen rests primarily on a national interest in assuring the effectiveness of the labor force required for an adequate American merchant marine. A self-employed owner who performs duties related to the care, preservation, or navigation of a documented vessel of the United States is, in effect, fulfilling the same purpose as the employed seamen on board the vessel. Since such persons are in fact applying their maritime skills, they are essentially adding to the maritime labor force. Although statistics are not available on the self-employed seamen who would come within the provisions of the proposed legislation, it is believed that neither the number nor cost would significantly affect the present program.

Public policy, however, would not be served by extending Federal medical care benefits to passengers, guests, and others aboard a documented vessel by reason of some incidental services they may provide in the course of their presence aboard the vessel. It is, therefore, suggested that such persons be excluded from these benefits by revising the amendatory language of S. 367 to substitute "self-employed" for the term "engaged."

Enactment of this bill would pose no serious difficulties for this Department as a provider of service; however, the fundamental issue of provision of medical care to merchant seamen, as a matter of public policy, is not here in question. The purpose of the bill is to remove an apparent inequity in present practice by amending the act to include a certain class of seamen who formerly enjoyed the privilege of receiving medical care in Public Health Service hospitals, and not to expand the program in any substantial manner. Speaking solely as a provider of services, this Department has no objection to the passage of the bill, modified as suggested above; on the larger question of public policy involving the furnishing of medical care for merchant seamen in Public Health Service hospitals in general, we are unable to comment until completion of discussions with other departments and agencies now taking place.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report to your committee.

This was signed by the Secretary of HEW, Mr. Ribicoff.

Senator BARTLETT. Thank you, Mr. Jones.

Do you have any comment to make aside from the letter?

Mr. JONES. Nothing, Mr. Chairman, except in response to any inquiries you may have.

Senator BARTLETT. All right. How long has the Public Health Service been furnishing health service to merchant seamen?

Mr. JONES. Since 1789, Mr. Chairman.

Senator BARTLETT. It is old in the history of the Republic and/or the democracy?

Mr. JONES. Yes. The problem of seamen who came into ports along the Atlantic seaboard, which constituted the Nation at that time, who had no relationship to community services, no particular home to which they could look for medical care, became a problem for the new Nation, a problem which not only related to humanitarian concern but to the need for a strong merchant marine for defense purposes of the new Nation.

In response to this problem the National Government at that time established the Marine Hospital Service. This was the forerunner of the Public Health Service and indicated a national concern for seamen which has persisted since that time.

Senator BARTLETT. How much does this cost the Federal Government annually?

Mr. JONES. Our budget for the total-care program is approximately \$50 million a year. There are approximately 130,000 eligible persons for this care.

Senator BARTLETT. Is there any reimbursement to the Federal Government on account of the care given?

Mr. JONES. Not in terms of merchant seamen as such. There is in terms of other beneficiaries. Some beneficiaries who are provided for by law do provide some reimbursement. But in terms of the group that we are concerned about here today, there is no reimbursement.

Senator BARTLETT. Merchant seamen are cared for absolutely without cost to themselves?

Mr. JONES. Without cost to themselves; that is correct.

Senator BARTLETT. And that includes hospital beds, medical services, and drugs?

Mr. JONES. Yes, sir. It includes hospitalization where necessary and outpatient clinic service.

Senator BARTLETT. Is there any time limitation on a stay in a hospital, for example?

Mr. JONES. No, sir. They stay so long as they need this kind of service.

Senator BARTLETT. Have fishermen been cared for under provisions of law, under this program, since it was started?

Mr. JONES. Only insofar, Mr. Chairman, as they served as members of the crew and were, in fact, seamen for a portion of their time, a considerable portion. If they were classified as seamen, even though they were fishermen likewise, they did qualify; if they were fishermen exclusively they did not.

Senator BARTLETT. This was in effect since 1798—in, as Mr. Huse reminds me, John Adams' administration?

Mr. JONES. That is correct; yes, sir.

Senator BARTLETT. Were owners of such vessels taken care of medically from then until 1954?

Mr. JONES. That is correct; yes, sir.

Senator BARTLETT. Do you know why it was that a determination was made in 1954 that the owners should no longer receive the benefits of the law?

Mr. JONES. There was a case, as I understand it, Mr. Chairman, in 1951 that involved the question of eligibility for an owner-operator of a vessel. A ruling by counsel of the Department at that time indicated that the language of the statute had never been questioned before and was such as to preclude eligibility for such a group.

This ruling has been reviewed by counsel since that time, and the ruling in terms of the legal statutory provisions has been adjudged to be still sound.

So, in terms of the actual statutory provision and language, even though these beneficiaries or these owner-operators had been beneficiaries up until that time, the statute had never been tested. When it was tested, it was determined that legally they were not eligible and therefore by regulation they were excluded in 1954. This resulted in what seems to be quite an inequity for this group of people.

Senator BARTLETT. What court was that, if you know?

Mr. JONES. Not before a court. It was the general counsel of the Department of Public Health, Education, and Welfare that had cognizance over this particular matter.

Senator BARTLETT. It didn't go to court? It was an administrative determination?

Mr. JONES. An administrative determination.

Senator BARTLETT. How about the 1951 courts that you referred to?

Mr. JONES. It was a test case involving administrative ruling, and not before a court of law.

Senator BARTLETT. Well, I recall that, subsequent to 1954 I, and many others, of course, made attempts, legislatively and otherwise, to alter this. And during those years there was a disinclination—to put it mildly—on the part of the administration to restore to owners the privileges they had formerly enjoyed.

But now Mr. Ribicoff, the Secretary of Health, Education, and Welfare, informs us—as I understand his letter—that the Department has no objection to restoring the former status of these owners provided those who go on a trip casually are not included within the benefits.

Mr. JONES. That is quite correct, sir, and I might say that we cannot speak for previous attitudes of this Department but this is the attitude of the present administration as represented by this statement.

Senator BARTLETT. That is what we are interested in.

Have you been able to make, or have you made any estimate of the additional financial burden that this inclusion would impose upon the Public Health Service?

Mr. JONES. We cannot do it with considerable accuracy, Mr. Chairman. We feel that there will be no significant increase in the financial burden if this group is added as suggested.

Senator BARTLETT. My opening statement, as I recall, said there are 12,000 plus fishing vessels and, of course, all of them wouldn't necessarily be included. So at the maximum you would have 12,000 additional persons; is that right?

Mr. JONES. The best estimates that are available to us, with the help of our colleagues in other departments of the Federal establishment, indicate, Mr. Chairman, that the load under this bill as modified would be approximately 6,000.

Senator BARTLETT. 6,000?

Mr. JONES. Yes, sir.

Senator BARTLETT. That, of course, wouldn't be a very heavy burden.

Mr. JONES. This would represent a 4.6-percent increase in the eligibility group. We have about 130,000 eligible people now. This would add about 6,000 to the group.

I do not think it would be appropriate to anticipate additional costs on a per capita basis because this small number would be absorbed with relatively less cost.

Senator BARTLETT. What if a fishing boat puts in to a port with an ill seaman aboard, quite ill, and that community has no Public Health Service hospital, what is done then?

Mr. JONES. He is cared for under contract arrangements with a community hospital that may be available. He is then transferred when the emergency condition permits.

Senator BARTLETT. Initially would you think that most seamen go into a contract hospital or Public Health Service hospital?

Mr. JONES. For the most part they go into Public Health Service hospitals with the exception of your own home State of Alaska, Mr. Chairman, where for the most part exclusively the hospitalization is involved in contract arrangements because the Public Health Service does not have hospitals there.

Senator BARTLETT. That is to say the Public Health Service hospitals there are exclusively for so-called native care.

Mr. JONES. And occasionally these are called upon for these beneficiaries in emergencies.

Senator BARTLETT. You can provide emergency treatment?

Mr. JONES. Yes, sir.

Senator BARTLETT. At this time I think it would be well to place in the record some very useful material which Mr. Huse of the staff has made available to me.

First, a legislative history dating from July 16, 1798, on seamen beneficiaries employed on documented vessels and U.S. Government vessels; a statement of the hospitals and medical care furnished under this program; a list of those who are eligible beneficiaries, and a list of Public Health Service hospitals.

(Documents referred to follow:)

SEAMEN BENEFICIARIES EMPLOYED ON DOCUMENTED VESSELS AND U.S.
GOVERNMENT VESSELS

LEGISLATIVE HISTORY

The act of July 1, 1944, known as Public Law 410, was a codification of existing laws relating to the Public Health Service. This codification included the provisions of earlier statutes authorizing medical services to beneficiaries. All beneficiaries of the Public Health Service are designated by statute.

With respect to seamen beneficiaries, the statutory history is given below:

July 16, 1798: Seamen employed on vessels of the United States arriving from a foreign country and seamen employed on enrolled or licensed vessels carrying on the coasting trade had 20 cents per month deducted from their wages which the master or owner paid to the collector of customs. This money provided for the temporary relief and maintenance of sick or disabled seamen. (The term "seamen" was not defined).

March 2, 1799: The act of July 16, 1798, was extended to naval officers, seamen, and marines (separate fund created in 1811 for the Navy).

May 3, 1802: Defined status of seamen on foreign vessels and provided for care in marine hospitals on a pay basis.

June 29, 1870: Deductions from seamen's wages increased to 40 cents per month. The funds obtained were to be used "for the care and relief of sick and disabled seamen employed in registered, enrolled, and licensed vessels of the United States. The term "vessel" was defined to "include every description of watercraft, raft, vehicle, and contrivance used or capable of being used as a means or auxiliary of transportation on or by water."

March 3, 1875: The term "seamen" was defined to include "any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation."

June 26, 1884: Repealed all previous laws concerning a hospital tax on seamen and provided that receipts from duties on tonnage should pay for maintaining the Marine Hospital Service.

March 3, 1905: Repealed provisions of June 26, 1884, concerning use of tonnage tax for Marine Hospital Service and provided that cost of medical care for seamen should be met by regular appropriations from the general fund in the Treasury.

July 1, 1918: Officers and crews of the several vessels belonging to the Bureau of Fisheries were extended PHS benefits without charge.

March 3, 1919: Enumerated the classes of Public Health Service beneficiaries:

Patients of the War Risk Insurance Bureau.

Merchant marine seamen.

Seamen on boats of the Mississippi River Commission.

Officers and enlisted men of the U.S. Coast Guard.

Officers and employees of the Public Health Service.

Certain keepers and assistant keepers of the U.S. Lighthouse Service.

Seamen of the Engineer Corps of the U.S. Army.

Officers and enlisted men of the U.S. Coast and Geodetic Survey.

Civilian employees entitled to treatment under the U.S. Employees Compensation Act, and employees of Army transports not officers or enlisted men of the Army.

March 3, 1931: Officers and employees of the Public Health Service at national quarantine stations, on board quarantine vessels, and at foreign ports.

March 21, 1936: Seamen (not enlisted or commissioned in the Military or Naval Establishments) employed on vessels of the U.S. Government (other than those of the Panama Canal) of more than 5 tons' burden and on State school ships.

April 26, 1939: Commissioned officers, ships' officers, and members of crews of vessels of the Coast and Geodetic Survey.

Existing provisions of the Public Health Service Act quoted below relating to the medical care of seamen are similar to those stated in the acts of June 29, 1870, and March 3, 1875.

"SEC. 2. When used in this Act—

* * * * *

"(h) The term 'seamen' includes any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation;

"(i) The term 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, exclusive of aircraft and amphibious contrivances.

* * * * *

"SEC. 322. (a) The following persons shall be entitled, in accordance with regulations, to medical, surgical, and dental treatment and hospitalization without charge at hospitals and other stations of the Service:

"(1) Seamen employed on vessels of the United States registered, enrolled, and licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade;"

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"HOSPITALS AND MEDICAL CARE

"For carrying out the functions of the Public Health Service, not otherwise provided for, under the Act of August 8, 1946 (5 U.S.C. 150), including [\$2,422,000] \$2,657,000 to be available only for payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (37 U.S.C., chap. 7) and under sections 301 (with respect to research con-

ducted at facilities financed by this appropriation), 321, 322, 324, 326, 331, 332, 341, 343, 344, 502, and 504 of the Act, section 810 of the Act of July 1, 1944, as amended (33 U.S.C. 763c), Private Law 419 of the Eighty-third Congress, as amended, and Executive Order 9079 of February 26, 1942, including purchase and exchange of farm products and livestock; purchase of not to exceed [three] two passenger motor vehicles for replacement only; and purchase of firearms and ammunition; [\$49,835,000] \$50,259,000, of which \$1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That when the Public Health Service establishes or operates a health service program for any department or agency, payment for the estimated cost shall be made in advance for deposit to the credit of this appropriation: *Provided further*, That this appropriation shall be available for medical, surgical, and dental treatment and hospitalization of retired ships' officers and members of crews of Coast and Geodetic Survey vessels, and their dependents, and for payment therefor [: *Provided further*, That the limitation under the head "Hospitals and medical care" in the Department of Health, Education, and Welfare Appropriation Act, 1959, on the amount available for payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (37 U.S.C., chap. 7) is increased from "\$1,866,000" to "\$1,880,000".

"[For an additional amount, fiscal year 1961, for 'Hospitals and medical care', \$200,000; and the limitation under this head in the Department of Health, Education, and Welfare Appropriation Act, 1961, on the amount available for payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (37 U.S.C., chap. 7), is increased from '\$2,445,000' to '\$2,645,000'.] (*Department of Health, Education, and Welfare Appropriation Act, 1962; Supplemental Appropriation Act, 1962.*)"

Program and financing

(In thousands of dollars)

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|-------------|---------------|---------------|
| Program by activities: | | | |
| 1. Inpatient and outpatient care..... | \$48,453 | \$50,259 | \$50,709 |
| 2. Dependents' medical care..... | 2,949 | 2,422 | 2,657 |
| 3. Coast Guard medical services..... | 1,371 | 1,371 | 1,446 |
| 4. Operation of health units..... | 721 | 850 | 850 |
| 5. Personnel detailed to other agencies..... | 264 | 276 | 276 |
| 6. Payments to Hawaii..... | 1,200 | 1,200 | 1,200 |
| Total program costs ¹ | 54,957 | 56,378 | 57,138 |
| Change in selected resources ² | -162 | | |
| Total obligations..... | 54,795 | 56,378 | 57,138 |
| Financing: | | | |
| Comparative transfers to other accounts..... | 6,907 | | |
| Advances and reimbursements from— | | | |
| Other accounts..... | -5,273 | -5,862 | -6,218 |
| Non-Federal sources (42 U.S.C. 221)..... | -682 | -681 | -661 |
| Unobligated balance lapsing..... | 276 | | |
| New obligational authority (appropriation)..... | 56,023 | 49,835 | 50,259 |

¹ Includes capital outlay as follows: 1961, \$1,379,000; 1962, \$1,423,000; 1963, \$1,647,000.

² Selected resources as of June 30 are as follows:

| | 1960 | 1961 adjust- ments | 1961 | 1962 | 1963 |
|--------------------------------|-------|--------------------------|-------|-------|-------|
| Stores..... | 516 | | 678 | 678 | 678 |
| Unpaid undelivered orders..... | 698 | 647 | 1,021 | 1,021 | 1,021 |
| Total selected resources..... | 1,214 | 647 | 1,699 | 1,699 | 1,699 |

A total of 15 hospitals and 137 outpatient facilities are operated to furnish medical and dental care to legal beneficiaries of the Service. The major beneficiary groups are American seamen, coastguardsmen and their dependents, Bureau of Employees' Compensation cases, persons afflicted with leprosy, and narcotic addicts. Among these, the largest single category is the American seamen who receive free, comprehensive medical care in its facilities in the United States for all conditions. Medical care is also provided to foreign seamen and beneficiaries of other Federal agencies on a reimbursable basis.

1. *Inpatient and outpatient care.*—Under this activity are operated 12 general hospitals, 2 neuropsychiatric hospitals specializing in the treatment of narcotic addiction, and the National Leprosarium at Carville, La. Inpatient loads and outpatient visits are expected to be as follows:

Average daily patient load and annual total outpatient visits

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|--------------|---------------|---------------|
| <i>Hospital patients, by type of hospital:</i> | | | |
| General hospitals..... | 2,543 | 2,570 | 2,570 |
| Neuropsychiatric hospitals..... | 1,907 | 1,910 | 1,915 |
| Leprosarium..... | 285 | 300 | 300 |
| Total..... | 4,735 | 4,780 | 4,785 |
| <i>Hospital patients, by type of beneficiary:</i> | | | |
| American seamen..... | 1,829 | 1,823 | 1,818 |
| Narcotic addicts..... | 1,366 | 1,375 | 1,385 |
| Patients with leprosy..... | 289 | 300 | 300 |
| Coast Guard..... | 253 | 260 | 260 |
| Bureau of Employees' Compensation..... | 179 | 171 | 161 |
| Veterans..... | 243 | 255 | 255 |
| Uniformed service dependents..... | 241 | 258 | 267 |
| All other..... | 330 | 338 | 339 |
| Total..... | 4,735 | 4,780 | 4,785 |
| Hospital outpatient visits..... | 640,927 | 651,000 | 660,000 |

Twenty-five full-time outpatient clinics and 112 outpatient offices serviced 544,219 visits in 1961 and 543,000 and 542,000 are estimated for 1962 and 1963, respectively. Care of patients in contract hospitals is also financed hereunder.

2. *Dependents' medical care.*—This activity provides for contract care in facilities other than those operated by the Public Health Service for dependents of Public Health Service beneficiary members of the uniformed services. A supplemental estimate for 1962 is anticipated for separate transmittal.

3. *Coast Guard medical services.*—Medical services are provided for Coast Guard personnel at shore stations and on vessels.

4. *Operation of health units.*—The Service operates health programs for Federal agencies on a reimbursable basis. Consultative and related services are performed for Federal agencies relative to their employee health programs.

5. *Personnel detailed to other agencies.*—Medical, dental, and other professional personnel are detailed to certain other Federal agencies on a reimbursable basis.

6. *Payments to Hawaii.*—Grants are made to Hawaii to defray the cost of care and treatment of persons afflicted with leprosy. Average daily patient load is expected to be 271 in 1963, compared with 277 in 1961 and 274 in 1962.

Object classification

[In thousands of dollars]

| | 1961 actual | 1962 estimate | 1963 estimate |
|--|-------------|---------------|---------------|
| 11 Personnel compensation: | | | |
| Permanent positions..... | 33,576 | 35,273 | 35,512 |
| Positions other than permanent..... | 541 | 549 | 549 |
| Other personnel compensation..... | 1,179 | 1,153 | 1,154 |
| Total personnel compensation..... | 35,296 | 36,975 | 37,215 |
| 12 Personnel benefits..... | 3,963 | 4,110 | 4,157 |
| 21 Travel and transportation of persons..... | 496 | 397 | 394 |
| 22 Transportation of things..... | 518 | 430 | 428 |
| 23 Rent, communications, and utilities..... | 974 | 967 | 969 |
| 24 Printing and reproduction..... | 98 | 99 | 99 |
| 25 Other services..... | 3,784 | 3,647 | 3,850 |
| Services of other agencies..... | 1,913 | 1,973 | 2,093 |
| 26 Supplies and materials..... | 5,502 | 5,587 | 5,733 |
| 31 Equipment..... | 1,466 | 1,423 | 1,430 |
| 41 Grants, subsidies, and contributions..... | 1,209 | 1,210 | 1,210 |
| 42 Insurance claims and indemnities..... | 2 | | |
| Subtotal..... | 55,222 | 56,818 | 57,578 |
| Deduct quarters and subsistence charges..... | 426 | 440 | 440 |
| Total obligations..... | 54,795 | 56,378 | 57,138 |

PERSONNEL SUMMARY

| | 1961 actual | 1962 estimate | 1963 estimate |
|--|-------------|---------------|---------------|
| Total number of permanent positions..... | 6,838 | 6,976 | 6,990 |
| Full-time equivalent of other positions..... | 115 | 115 | 115 |
| Average number of all employees..... | 6,382 | 6,652 | 6,686 |
| Number of employees at end of year..... | 6,876 | 7,017 | 7,031 |
| Average GS grade..... | 4.9 | 4.9 | 4.9 |
| Average GS salary..... | \$5,074 | \$5,075 | \$5,081 |
| Average salary of ungraded positions..... | \$4,404 | \$4,579 | \$4,473 |

Proposed for separate transmittal:

HOSPITALS AND MEDICAL CARE

Program and financing

[In thousands of dollars]

| | 1961 actual | 1962 estimate | 1963 estimate |
|--|-------------|---------------|---------------|
| Program by activities: Dependents' medical care (total program costs—obligations)..... | | 92 | |
| Financing: New obligational authority (proposed supplemental appropriation)..... | | 92 | |

Under existing legislation, 1962.—An increase of \$92,000 is needed in the dependents' medical care activity in funds and in the existing limitation to cover the increased workloads.

| Beneficiaries | Present statutory authority | Previous authority |
|--|---|---|
| American seamen ----- | Public Health Service Act ¹ (sec. 322(a)). | Acts of July 16, 1798, June 29, 1870, and Mar. 3, 1875. |
| Merchant marine cadets ----- | Public Health Service Act (sec. 322(b)). | Acts of May 2, 1802, and Mar. 3, 1875. |
| Foreign seamen (on a reimbursable basis). | Public Health Service Act (sec. 326(a)). | Acts of Mar. 3, 1919, and Apr. 26, 1939. |
| Coast and Geodetic Survey crew members and noncommissioned ships' officers. | Public Health Service Act (sec. 326(a)). | Acts of Mar. 3, 1919, and Apr. 26, 1939. |
| Uniformed service personnel: Coast Guard personnel on active duty. | Public Health Service Act (sec. 326(a)) and Dependents Medical Care Act ² (sec. 301(a)). | Acts of Aug. 4, 1894, Mar. 3, 1919, and July 30, 1937. |
| Coast Guard personnel, retired.. | Dependents Medical Care Act (sec. 301(b)). | Acts of May 18, 1928, and July 30, 1937. |
| Coast and Geodetic Survey commissioned personnel on active duty. | Public Health Service Act (sec. 326(a)) and Dependents Medical Care Act (sec. 301(a)). | Acts of Mar. 3, 1919, and Apr. 26, 1939. |
| Coast and Geodetic Survey commissioned personnel, retired. | Dependents Medical Care Act (sec. 301(b)). | Act of Apr. 26, 1939. |
| Public Health Service Commissioned officers on active duty. | Public Health Service Act (sec. 326(a)) and Dependents Medical Care Act (sec. 301(a)). | Act of June 23, 1913. |
| Public Health Service commissioned officers, retired. | Dependents Medical Care Act (sec. 301(b)). | Act of July 1, 1944. |
| Army personnel on active duty.. | Dependents Medical Care Act (sec. 301(a)). | (3). |
| Army personnel, retired ----- | Dependents Medical Care Act (sec. 301(b)). | (3). |
| Navy and Marine Corps personnel on active duty. | Dependents Medical Care Act (sec. 301(a)). | (3). |
| Navy and Marine Corps personnel, retired. | Dependents Medical Care Act (sec. 301(b)). | (3). |
| Air Force personnel on active duty. | Dependents Medical Care Act (sec. 301(a)). | (3). |
| Air Force personnel, retired..... | Dependents Medical Care Act (sec. 301(b)). | (3). |
| Dependents of active duty and retired members of the Armed Forces and of deceased uniformed service personnel. | Dependents Medical Care Act (secs. 103 and 301(c)). | |
| Dependents of active duty and retired Coast Guard personnel. | ----- do ----- | Acts of July 30, 1937, and July 1, 1944. |
| Dependents of active duty and retired Public Health Service commissioned officers. | ----- do ----- | 1931 regulations and act of July 1, 1944. |
| Dependents of active duty and retired Coast and Geodetic Survey commissioned officers. | ----- do ----- | Acts of Apr. 26, 1939, and July 1, 1944. |
| Former Lighthouse Service personnel, active duty. | Public Health Service Act (sec. 810(b)). | Acts of Aug. 28, 1916, Mar. 3, 1919, and May 22, 1926. |
| Former Lighthouse Service personnel, retired. | ----- do ----- | Act of June 24, 1930. |
| Public Health Service civilian field employees. | Public Health Service Act (sec. 322(a)). | Act of June 23, 1913. |
| Leprosy patients ----- | Public Health Service Act (sec. 331). | Act of Feb. 3, 1917. |
| Voluntary narcotic addict patients .. | Public Health Service Act (secs. 341 and 344). | Act of Jan. 19, 1929. |
| Quarantine patients ----- | Public Health Service Act (sec. 322(c)). | Appropriation acts. |
| Federal employee beneficiaries of the Bureau of Employees' Compensation. | Public Health Service Act (sec. 324). | Act of Sept. 7, 1916. |
| Special study patients ----- | Public Health Service Act (sec. 301(f)). | Act of Mar. 3, 1911. |

¹ Act of July 1, 1944.

² Act of June 7, 1956.

³ Eligible persons admitted under sec. 686 of the Economy Act upon referral of the sponsoring department.

List of U.S. Public Health Service hospitals, outpatient clinics, and outpatient offices

HOSPITALS

| Location | Street address | Telephone number |
|--|------------------------------------|--|
| Baltimore 11, Md. | Wyman Park Dr. and 31st St. | Belmont 5-9748 or 5-3930. |
| Boston 35 (Brighton), Mass. | 77 Warren St. | Stadium 2-3400. |
| Carville, La., ¹ freight and express address. | St. Gabriel, La. | Mission 2-5560, 2-8256; ¹ MOC's personal attention. |
| Chicago 13, Ill. | 4141 North Clarendon Ave. | Lake View 5-6340. |
| Detroit 15, Mich. | Windmill Pointe | 82-29300; 82-27715, ¹ MOC's personal attention. |
| Fort Worth 1, Tex. ² | Box 100 | Jefferson 5-2111. |
| Galveston 1, Tex. | 45th St and Avenue N. | Southfield 3-4371. |
| Lexington, Ky. ³ | Box 2000 or Leestown Rd. | Private branch exchange 2-8328. |
| Memphis 6, Tenn. | 360 West California Ave. | Whitehall 8-4578. |
| New Orleans 18, La. | 210 State St. | Twinbrook 9-3441. |
| Norfolk 8, Va. | 6500 Hampton Blvd., Larchmont. | Madison 2-6555. |
| San Francisco 18, Calif. | 15th Ave. and Lake St. | Skyline 2-1400. |
| Savannah, Ga. | York and Abercorn Sts. | Adams 3-5783. |
| Seattle 14, Wash. | Box 3145 or 1131 14th Ave. South. | East 5-8000. |
| Staten Island 4, N.Y. | | Gibraltar 7-3010. |
| Express address | Stapleton, Staten Island, N.Y. | |
| Freight address | Tompkinsville, Staten Island, N.Y. | |

OUTPATIENT CLINICS

| | | |
|-----------------------------------|---|--|
| Atlanta, Ga. ³ | 1600 Clifton Rd. NE. | Trinity 63311. |
| Balboa Heights, C.Z. ³ | | |
| Buffalo 3, N.Y. ⁷ | 227 Post Office Bldg., 121 Ellicott St. | TL 61312. |
| Charleston 8, S.C. ³ | Customhouse, Market, and East Bay Sts. | Raymond 38111. |
| Charlotte Amalie, V.I. | Post Office and Customhouse Bldg. | 606. |
| Cincinnati 2, Ohio | Post Office and Courthouse Bldg., 5th and Walnut Sts. | Dunbar 12200, extension 215. |
| Cleveland 13, Ohio ⁴ | New Post Office Bldg., West 3d St. and Prospect Ave. | Cherry 17300, extension 261. |
| Honolulu 7, Hawaii | Box 1410 or 208 Federal Bldg. | 58831, extension 253. |
| Houston 11, Tex. ⁵ | 216 Appraisers Stores Bldg., 7300 Wingate Ave. | Walnut 15424. |
| Jacksonville 1, Fla. ³ | Box 4788 or 403 Federal Bldg., 311 West Monroe St. | Elgin 46200. |
| Los Angeles 12, Calif. | 424 Federal Bldg., 312 North Spring St. | Madison 57411, extension 1101. |
| Miami 1, Fla. | Box 432 or 302 Federal Bldg., 300 NE. 1st Ave. | Franklin 95431, extension 59 or 64. |
| Mobile 16, Ala. ⁶ | U.S. Court and Customhouse, St. Joseph and St. Louis Sts. | Hemlock 23641. |
| New York 13, N.Y. ⁷ | 67 Hudson St. | Barclay 76150. |
| Philadelphia 6, Pa. ⁷ | 225 Chestnut St. | Walnut 55425 or 55426. |
| Pittsburgh 19, Pa. ⁸ | 413 New Federal Bldg., 7th and Grant. | Grant 10800, extension 662. |
| Port Arthur, Tex. ⁵ | 211 Post Office and Customhouse, 5th and Austin Ave. | Yukon 22732. |
| Portland 3, Maine ⁹ | 331 Veranda St. | Spruce 28384. |
| Portland 5, Oreg. ¹⁰ | 220 Courthouse, Broadway and Main Sts. | Capitol 86171. |
| St. Louis 1, Mo. ¹¹ | 206 Old Post Office Bldg., 815 Olive St. | Main 18100, extension 651 (if closed, Prospect 16080). |
| San Diego 1, Calif. | 208 New Post Office Bldg. | Belmont 21645. |
| San Juan 18, P.R. | Box 3788 | 35200. |
| San Pedro, Calif. ¹² | 308 Federal Bldg., 825 South Beacon. | Terminal 20213. |
| Tampa 1, Fla. | Box 1438, Davis Island | 83876. |
| Washington 25, D.C. | HEW Bldg., South 4th and D Sts. SW. | Worth 34451. |

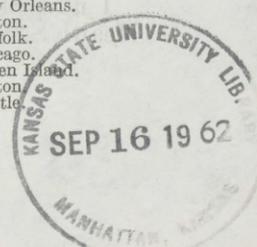
¹ Type of hospital: Leprosy.² Type of hospital: Drug addiction and mental illness.³ Address correspondence to MOC, Public Health Service Hospital, Savannah, Ga.⁴ Address correspondence to MOC, Public Health Service Hospital, Detroit, Mich.⁵ Address correspondence to MOC, Public Health Service Hospital, Galveston, Tex.⁶ Address correspondence to MOC, Public Health Service Hospital, New Orleans, La.⁷ Address correspondence to MOC, Public Health Service Hospital, Staten Island, N.Y.⁸ Address correspondence to MOC, Public Health Service Hospital, Baltimore, Md.⁹ Address correspondence to MOC, Public Health Service Hospital, Boston, Mass.¹⁰ Address correspondence to MOC, Public Health Service Hospital, Seattle, Wash.¹¹ Address correspondence to MOC, Public Health Service Hospital, Chicago, Ill.¹² Address correspondence to MOC, Outpatient Clinic, Los Angeles, Calif.

NOTE.—All others general.

List of U.S. Public Health Service hospitals, outpatient clinics, and outpatient offices—Continued

OUTPATIENT OFFICES

| Location | Street address | Supervising stations |
|------------------------------|---|----------------------|
| Aberdeen, Wash. | 700 Becker Bldg., 110 South 1st. | Seattle. |
| Albany, N.Y. | 680 Madison Ave. | Staten Island. |
| Alpena, Mich. | Savings Bank Bldg., 122 North 2d St. | Detroit. |
| Anacortes, Wash. | Medical-Dental Bldg., 418 Commercial Ave. | Seattle. |
| Apalachicola, Fla. | 17½ Ave. E. | New Orleans. |
| Ashland, Wis. | 206 6th Ave. West. | Chicago. |
| Ashtabula, Ohio. | 2334 Lake Ave. | Detroit. |
| Astoria, Oreg. | 486 12th St. | Seattle. |
| Bath, Maine. | 118 Front St. | Boston. |
| Baton Rouge La. | 225 Wabash Ave. | New Orleans. |
| Bay City, Mich. | 1106 North Johnson. | Detroit. |
| Beaufort, N.C. | Office, 509 Front St. | Norfolk. |
| Bellingham, Wash. | G-19 Bellingham Medical Center, 1800 C St. | Seattle. |
| Biloxi, Miss. | 423 Lameuse St. | New Orleans. |
| Brownsville, Tex. | 108 Medical Arts Center, 105 West Elizabeth St. | Galveston. |
| Brunswick, Ga. | Dunwoody Bldg., 1501¼ Newcastle St. | Savannah. |
| Cairo, Ill. | 309 8th St. | Memphis. |
| Cambridge, Md. | 6 Church St. | Baltimore. |
| Cape May, N.J. | Columbia Ave. and Ocean St. | Staten Island. |
| Chattahoochee, Fla. | Box 458 or 401 High St. | New Orleans. |
| Coos Bay, Oreg. | 510 Hall Bldg., 320 West Central Ave. | Seattle. |
| Cordova, Alaska. | Box 100. | Do. |
| Corpus Christi, Tex. | 15 Medical Center, 2400 Morgan Ave. | Galveston. |
| Christfield, Md. | 322 Main St. | Baltimore. |
| Demopolis, Ala. | 101 South Mont Drive (U.S. Highway 80) | New Orleans. |
| Duluth, Minn. | 706 Medical Arts Bldg., 324 West Superior St. | Chicago. |
| East Chicago, Ind. | 4035 Elm St. | Do. |
| East Machias, Maine. | High St. | Boston. |
| East Tawas, Mich. | 217 Newman St. | Detroit. |
| Edenton, N.C. | 108 East King St. | Norfolk. |
| Edgartown, Mass. | North Summer St. | Boston. |
| Elizabeth City, N.C. | 224 Carolina Bldg. | Norfolk. |
| Erie, Pa. | 511 Commerce Bldg. | Detroit. |
| Escanaba, Mich. | 1106 1st Ave., South. | Chicago. |
| Eureka, Calif. | Medical-Dental Bldg., 730 7th St. | San Francisco. |
| Everett, Wash. | 3202 Colby Ave. | Seattle. |
| Fall River, Mass. | | Boston. |
| Fort Lauderdale, Fla. | Broward Medical Bldg., 3025 West Broward Blvd. | Savannah. |
| Frankfort, Mich. | 104 4th St. | Detroit. |
| Gallipolis, Ohio. | 68 State St. | Do. |
| Gloucester, Mass. | 63 Middle St. | Boston. |
| Grand Haven, Mich. | 414 Franklin St. | Chicago. |
| Green Bay, Wis. | 1004 Porlier St. | Do. |
| Gulfport, Miss. | 309 Gulf National Bank Bldg. | New Orleans. |
| Hilo, Hawaii. | Box 606 or 305 Wailuku Dr. | OP Cl. Honolulu. |
| Houghton, Mich. | Dale Aldrich Bldg., 503 Main St. | Chicago. |
| Joliet, Ill. | 250 N. Ottawa St. | Do. |
| Juneau, Alaska. | Box 2622 or Odd Fellows Bldg., Franklin and 2d Ave. | Seattle. |
| Kahului, Maui, Hawaii. | Box 307 or 53 Puunene Ave. | OP Cl. Honolulu. |
| Kaunakakai, Molokai, Hawaii. | Molokai Clinic or Box 218. | Do. |
| Ketchikan, Alaska. | Box 359 or Koel Bldg., 325 Dock St. | Seattle. |
| Kewaunee, Wis. | 213 Ellis St. | Chicago. |
| Key West, Fla. | 420 Simonton St. | Savannah. |
| Kilmarnock, Va. | | Norfolk. |
| Kohala, Hawaii, Hawaii. | Box 98. | OP Cl. Honolulu. |
| La Crosse, Wis. | 205 Linker Bldg., 4th and Main. | Chicago. |
| Lewes, Del. | 821 Savannah Rd. | Baltimore. |
| Lihue, Kauai, Hawaii. | Lihue Plantation Dispensary. | OP Cl. Honolulu. |
| Lorain, Ohio. | 202 Kansas Ave. | Detroit. |
| Louisville 2, Ky. | 908 Hayburn Bldg., 4th and Broadway. | Chicago. |
| Ludington, Mich. | 107 West Ludington Ave. | Detroit. |
| Manistee, Mich. | 401 River St. | Do. |
| Manistique, Mich. | 202 South Cedar St. | Chicago. |
| Manitowoc, Wis. | 811 York St. | Do. |
| Marquette, Mich. | Savings Bank Bldg., 101 South Front St. | Do. |
| Massena, N.Y. | 3 Church St. | Staten Island. |
| Menominee, Mich. | 534 First St. | Chicago. |
| Milwaukee, Wis. | 425 East Wisconsin Ave., Goldsmith Bldg. | Do. |
| Morehead City, N.C. | 900 Shepard St. | Norfolk. |
| Morgan City, La. | 1122 8th St. | New Orleans. |
| Muskegon, Mich. | 1160 Ransom St. | Chicago. |
| Nantucket, Mass. | 41 India St. | Boston. |
| Natchez, Miss. | 304 Franklin St. | New Orleans. |
| New Bedford, Mass. | 166 Cottage St. | Boston. |
| New Bern, N.C. | Box 69 or Elks Temple, 81 Pollock St. | Norfolk. |
| Newburgh, Ind. | Newburgh State Bank Bldg. | Chicago. |
| New Haven, Conn. | 1172 Chapel St. | Staten Island. |
| New London, Conn. | 302 State St. | Boston. |
| Newport, Oreg. | 625 South Hurburt St. | Seattle. |



List of U.S. Public Health Service hospitals, outpatient clinics, and outpatient offices—Continued

OUTPATIENT OFFICES—Continued

| Location | Street address | Supervising stations |
|-------------------------|--|----------------------|
| Newport, R.I. | 105 Pelham St. | Boston. |
| Newport News, Va. | 129 28th St. | Norfolk. |
| Nome, Alaska | Maynard MacDougall Memorial Hospital | Seattle. |
| Olympia, Wash. | 529 West 4th St. | Do. |
| Oswego, N.Y. | 91 West Bridge St. | Staten Island. |
| Paducah, Ky. | 2320 Broadway, Medical Arts Bldg. | Memphis. |
| Panama City, Fla. | 456 Grace Ave. | New Orleans. |
| Pensacola, Fla. | 1093 North 12th St. | Do. |
| Petersburg, Alaska | Box 1054 | Seattle. |
| Ponce, P.R. | Box 1231 or 40 Isabel St. | OP Cl. Honolulu. |
| Port Huron, Mich. | 916 7th St. | Detroit. |
| Port St. Joe, Fla. | Ward Clinic, 324 Williams Ave. | New Orleans. |
| Port Townsend, Wash. | 1136 Water St., Medical Bldg. | Seattle. |
| Providence 3, R.I. | 1413 Broad St. | Boston. |
| Provincetown, Mass. | 322 Commercial St. | Do. |
| Racine, Wis. | 535 Main St. | Chicago. |
| Reedville, Va. | | Norfolk. |
| Richmond 20, Va. | 714 North Boulevard | Do. |
| Rogers City, Mich. | 123 South 3d St. | Detroit. |
| Sandusky, Ohio | 134 East Adams St. | Do. |
| Sault Ste. Marie, Mich. | 300 Court St. | Do. |
| Seward, Alaska | Seward General Hospital | Seattle. |
| Sheboygan, Wis. | 516A North 8th St. | Chicago. |
| Silver Bay, Minn. | Box 918 | Do. |
| Southport, N.C. | | Norfolk. |
| Sturgeon Bay, Wis. | 368 Louisiana St. | Chicago. |
| Superior, Wis. | 1507 Tower Ave., Board of Trade Bldg. | Do. |
| Toledo 4, Ohio | 401 Madison Ave., 510 Owens-Illinois Bldg. | Detroit. |
| Two Harbors, Minn. | 4th St. at 11th Ave. | Chicago. |
| Vicksburg, Miss. | | New Orleans. |
| Wakefield, R.I. | 25 Mechanic St. | Boston. |
| Washington, N.C. | 420 North Market St. | Norfolk. |
| Wilmington 6, Del. | 1401 Pa. Ave. | Baltimore. |
| Wilmington, N.C. | 201 North Front St. | Norfolk. |

Senator BARTLETT. Mr. Jones, we are very grateful to you for appearing, and especially glad because you are able to give a favorable report.

May I ask you this further question: Have you compared the language in the Senate bill with the language in Congressman Miller's bill?

Mr. JONES. Mr. Chairman, we have not reported on the House bill, Congressman Miller's bill. Our report relates to the Senate bill. Therefore we have not officially made a statement with reference to that.

Senator BARTLETT. Informally, may I ask you if you would care to comment—if you don't, say so, it is perfectly all right—as to whether Mr. Miller's bill achieves the objective that Secretary Ribicoff sought; namely, the exclusion of persons in casual attendance upon a fishing vessel and upon a fishing trip?

Mr. JONES. Mr. Chairman, without some study I would be somewhat reluctant to give you an opinion even informally at this time.

Senator BARTLETT. Well, it's probably just as well you don't, because you will have adequate opportunity to do that on the House side.

Thank you very much, gentlemen.

I now place in the record the rules and regulations of the Public Health Service on medical care for seamen.

(The matter referred to follows:)

AMERICAN SEAMEN

§ 32.11 *Use of Service facilities.* American seamen (hereinafter referred to in §§ 32.11 to 32.23, inclusive, as seamen) shall, on presenting evidence of eligibility, be entitled to medical, surgical, and dental treatment and hospitalization at medical relief stations of the Service.

§ 32.12 *Use of other than Service facilities.* (a) When a seaman requires medical, surgical, or dental treatment or hospitalization and the urgency of the situation does not permit treatment at a medical relief station, arrangements for necessary treatment or hospitalization at the expense of the Service from public or private medical or hospital facilities other than those of the Service may be made by the officer in charge of a medical relief station or a quarantine station or by the director of a Service district. When such emergency treatment is necessary preference shall be given to other Federal medical facilities when reasonably available and when conditions permit.

(b) If eligibility cannot be established at the time of application by the seaman or by the person who applies in his behalf, the applicant shall be notified that the authorization for treatment is conditional and that the payment of reasonable expenses by the Service for such treatment shall be subject to proof of eligibility.

(c) In every such case of emergency treatment or hospitalization, authorized either conditionally or unconditionally, a full report shall be submitted promptly by the authorizing officer to the Surgeon General. The authorizing officer shall keep himself informed regarding the progress of the case to the end that treatment or hospitalization shall not be unduly and unnecessarily prolonged. As soon as practicable, unless the interests of the patient or the Government require otherwise, treatment or hospitalization shall be continued at a medical relief station or at another appropriate Federal medical facility.

(d) Expenses for consultants or special services, or for dental treatment other than emergency measures to relieve pain, shall not be allowed except when authorized in advance by the headquarters of the Service or, in extraordinary cases, when subsequently approved by such headquarters upon receipt of report and satisfactory explanation as to the necessity and urgency therefor.

(e) Certified vouchers on proper forms covering expenses for emergency treatment or hospitalization shall be forwarded to the Surgeon General by the authorizing officer, and each such voucher shall contain a statement of the facts necessitating the treatment or hospitalization.

§ 32.13 *Application for treatment.* A sick or disabled seaman, in order to obtain the benefits of the Service, must apply in person, or by proxy if too sick so to do, at a medical relief station or to an officer of the Service as specified in § 32.12 and must furnish satisfactory evidence of his eligibility for such benefits.

§ 32.14 *Evidence of eligibility.* (a) As evidence of his eligibility an applicant must present a properly executed master's certificate or a continuous discharge book or a certificate of discharge showing that he has been employed on a registered, enrolled, or licensed vessel of the United States. The certificate of the owner or accredited commercial agent of a vessel as to the facts of the employment of any seaman on said vessel may be accepted in lieu of the master's certificate where the latter is not procurable. When an applicant cannot furnish any of the foregoing documents, his certification as to the facts of his most recent (including his last) employment as a seaman, stating names of vessels and dates of service, may be accepted as evidence in support of his eligibility. Documentary evidence of eligibility, excepting continuous discharge books and certificates of discharge, shall be filed at the station where application is granted. Where continuous discharge books and certificates of discharge are submitted as evidence of eligibility, the pertinent information shall be abstracted therefrom, certified by the officer accepting the application, and filed at the station.

(b) Except as otherwise provided in §§ 32.11 to 32.23, inclusive, documentary evidence of eligibility must show that the applicant has been employed for 60 days of continuous service on a registered, enrolled, or licensed vessel of the United States, a part of which time must have been during the 90 days immediately preceding application for relief. There may be included as a part of such 60 days of continuous service as a seaman time spent in training as (1) an active duty enrollee in the United States Maritime Service, (2) a member of the Merchant Marine Cadet Corps, (3) a cadet at a State maritime academy, or (4) a cadet on a State training ship. The phrase "60 days of continuous serv-

ice" shall not be held to exclude seamen whose papers show brief intermissions between short services that aggregated the required 60 days: *Provided*, That any such intermission does not exceed 60 days. The time during which a seaman has been treated as a patient of the Service shall not be reckoned as absence from vessel in determining eligibility. When the seaman's service on his last vessel is less than 60 days, his oath or affirmation as to previous service may be accepted.

§ 32.15 *Sickness or injury while employed.* A seaman taken sick or injured on board or ashore while actually employed on a vessel shall be entitled to care and treatment without regard to length of service.

§ 32.16 *Seamen from wrecked vessels.* Seamen taken from wrecked vessels of the United States and returned to the United States, if sick or disabled at the time of their arrival in the United States, shall be entitled to care and treatment without regard to length of service.

§ 32.17 *Lapse of more than 90 days since last service.* Where more than 90 days have elapsed since an applicant's last service as a seaman and he can show that he has not definitely changed his occupation, such period of time shall not exclude him from receiving care and treatment (a) if due to closure of navigation or economic conditions resulting in decreased shipping with consequent lack of opportunity to ship or (b) in the event the applicant has been receiving treatment at other than Service expense.

§ 32.18 *Procedures in case of doubtful eligibility.* When a reasonable doubt exists as to the eligibility of an applicant for care and treatment, the matter shall be referred immediately to the headquarters of the Service for decision. If, in the opinion of the responsible Service officer, the applicant's condition is such that immediate care and treatment is necessary, temporary care and treatment shall be given pending receipt of the decision as to eligibility.

§ 32.19 *False document evidencing service.* The issuance or presentation of a false document as evidence of service with intent to procure the treatment of a person as a seaman shall be immediately reported to the headquarters of the Service.

§ 32.20 *Treatment during voyage; treatment when not arranged for.* The Service shall not be liable for the expense of carrying for sick and disabled seamen incurred during a voyage, nor when the care of a seaman has not been arranged for by a responsible officer of the Service.

§ 32.21 *Injury while committing breach of peace.* Seamen injured in street brawls or while otherwise committing a breach of the peace shall not receive treatment at the expense of the Service while in jail or in a hospital other than a hospital belonging to or under contract with the Service.

§ 32.22 *Communicable diseases.* The Service shall not be liable for the expense of caring for seamen who are suffering from communicable diseases and who, in accordance with State or municipal health laws and regulations, are taken to quarantine or other hospitals under charge of local health authorities, unless such patients were admitted at the time at the request of a responsible officer of the Service.

§ 32.23 *Certificate of discharge from treatment.* A certificate of discharge from treatment may, at the discretion of the officer in charge, be given to a hospital patient, but such certificate, when presented at another medical relief station, shall not be taken as sufficient evidence of the applicant's eligibility for care and treatment, but may be considered in connection with other documentary evidence submitted by the seamen.

Senator BARTLETT. Mr. George Johansen, who is secretary-treasurer, Alaska Fishermen's Union, 2505 First Avenue, Seattle, Wash.

**STATEMENT OF GEORGE JOHANSEN, SECRETARY-TREASURER,
ALASKA FISHERMEN'S UNION, SEATTLE, WASH.**

Mr. JOHANSEN. Mr. Chairman, I have just a short statement. I hadn't intended to testify, but I took time out to come over here. I would like to read our statement for the record.

Senator BARTLETT. You do that.

Mr. JOHANSEN. In regard to S. 367 and its companion bills in the House, H.R. 2262, H.R. 8029, and H.R. 10921, please be advised that

the Alaska Fishermen's Union supports these bills, which will restore medical care benefits under the Public Health Service Act to owner-operators of fishing vessels and other self-employed seamen.

As you are well aware, the U.S. fishing industry is in an unhealthy condition. There are many factors responsible and some of these can be attributed to the policies followed by the U.S. Government in permitting practically unlimited imports of foreign fisheries products. Such imports have gradually but surely worsened economic conditions of the fishermen to a point where many of our younger citizens find no inducement or profit in following the ancient trade of fishing.

Fishing is a hazardous occupation, insurance rates have reached prohibitive levels and because so-called self-employed fishermen have been denied the right of collective bargaining, they have not been able to protect themselves through agreements providing for health and welfare coverage such as enjoyed by fishermen and seamen who are recognized as employees.

Where sickness and accidents have occurred, it has been difficult in many instances for some boatowners and self-employed fishermen to survive the economic blows thus sustained. The result of a legal opinion in 1951, followed by an administrative ruling in 1954, terminated medical protection formerly enjoyed by vessel owners and self-employed fishermen.

We respectfully submit that in lieu of the U.S. Government's failure to provide an economic climate under which the fishing industry can exist (and we can cite many instances where our national policy for fisheries has been against the best interests of this important industry), Congress can and should, in some small measure, manifest its concern for fishermen by enacting these bills into law. We ask that favorable action be taken to correct what we consider an injustice inflicted upon a group of fishermen who need medical attention and protection just as much as other fishermen now covered.

I would just like to add a few words to that statement, Mr. Chairman. We have a considerable number of so-called vessel owners and self-employed fishermen and I think we can say that these people practically constitute the backbone of the fishing industry. We have to take into consideration that they are not only providing a gainful employment for themselves, but they are providing employment for many other fishermen and crew members aboard our vessels. It is my belief that in many instances where there has been sickness and accident, it has been difficult, because of economic conditions, for some of these boatowners and self-employed fishermen to make a decent living and even, in some instances, they have had to quit fishing because of the economic condition.

These bills that would provide medical protection would be a step in the right direction to help out the fishermen, and not only the fishermen involved, but the fishing industry because of their important position in that industry. We certainly do recommend that Congress will enact these bills into law.

Senator BARTLETT. Thank you very much, Mr. Johansen.

How many of the people in your union, the union which you represent as secretary-treasurer—namely, Alaska Fishermen's Union—would possibly be affected by this bill?

Mr. JOHANSEN. Not too many in our union. We principally represent employees. There would be some of these small independent fishermen involved and perhaps that number would be in the neighborhood of about 250 in our particular union.

Senator BARTLETT. Well, I wouldn't expect too many because, after all, Mr. Jones informed the committee that throughout the United States, there would be only 6,000 concerned, which wouldn't mean much of an additional burden.

Mr. JOHANSEN. No, it probably wouldn't, but it certainly would mean a lot to those who need the service and could not afford to pay for it in a private hospital.

Senator BARTLETT. Thank you very much, Mr. Johansen. I am bound to comment that, with your usual skill and adroitness, you covered more than one subject in your prepared statement.

Mr. JOHANSEN. It was my intention to bring out a little bit about the conditions in the fishing industry because, as far as I am concerned, everything that I mentioned is closely interrelated. Everything is of the same subject.

Senator BARTLETT. Thank you.

Mr. H. E. Crowther, Assistant Director, Bureau of Commercial Fisheries, Department of the Interior.

Before you proceed, Mr. Crowther, I would like to ask Mr. Johansen: You heard the recommendations of Secretary Ribicoff as stated by Mr. Jones that the bill be amended because as he says, in his opinion, and now I quote:

Public policy, however, would not be served by extending Federal medical care benefits to passengers, guests, and others aboard a documented vessel by reason of some incidental services they may provide in the course of their presence aboard the vessel. It is, therefore, suggested that such persons be excluded from the benefits by revising the amendatory language of S. 367 to substitute "self-employed" for the term "engaged."

What do you think about that?

Mr. JOHANSEN. Speaking for our organization, I would say that we would be willing to limit the benefits to what I consider bona fide fishermen. Bona fide fishermen would be fishermen who earn their living by fishing; not casual people.

Senator BARTLETT. You agree with Secretary Ribicoff in his conclusions?

Mr. JOHANSEN. As far as I am concerned, I agree; yes, sir.

Senator BARTLETT. Thank you very much.

Now, Mr. Crowther, I apologize for having you wait.

**STATEMENT OF HAROLD E. CROWTHER, ASSISTANT DIRECTOR,
BUREAU OF COMMERCIAL FISHERIES, DEPARTMENT OF THE
INTERIOR, WASHINGTON, D.C.**

Mr. CROWTHER. Mr. Chairman, I have a prepared statement which is fairly brief. I believe it would be best if I read it.

Senator BARTLETT. I think so.

Mr. CROWTHER. Mr. Chairman, I appreciate this opportunity to appear before your committee and make a statement on S. 367. Although our report on this bill has not been cleared and it is not possible to take a definite position on it, we have studied this legisla-

tion and would like to make some comments about it of a factual nature.

Under the Public Health Service Act, as amended, seamen employed on vessels of the United States, registered, enrolled, and licensed under maritime laws thereof, other than canal boats engaged in the coasting trade, are entitled to medical, surgical, and dental treatment and hospitalization without charge at hospitals and other stations of the Service. Persons employed on board documented fishing vessels of the United States are eligible for medical care as American seamen if they are substantially engaged in the care, preservation, or navigation of the vessel or if they are employed in the service on board of those engaged in such care, preservation, or navigation of the vessel or if they are employed in the service on board of those engaged in such care, preservation, or navigation. However, certain fishermen are not entitled to these services.

S. 367 would amend section 2(h) of the Public Health Service Act by adding the words "or engaged" after the word "employed" so that the term "seamen" is redefined as follows:

The term "seamen" includes any person employed or engaged on board in the care, preservation, or navigation of any vessel, or in the service on board of those engaged in such care, preservation, or navigation;

This change would extend the benefits of the Public Health Service Act to commercial fishermen who are owner-operators of fishing craft and who are excluded from treatment without charge. It would clarify the position fishermen operating under the "lay" system hold as beneficiaries under the act. These fishermen, while not owners or coowners, are not always considered to be "employed" in the strict sense of rendering services in an employment relationship under a contract of hire, as are other seamen. They are remunerated by taking a share of the catch and may, in some instances, be considered to be coadventurers.

S. 367 would also add the words "or engaged" after the word "employed" in section 322(a)(1) to complete the changes necessary in the act.

Fishermen who are owners or coowners of fishing vessels are not now entitled to medical benefits from the Public Health Service because they are not performing their duties in an employment situation. This is true even though they accompany their vessels on fishing operations and a substantial part of their services in connection with such fishing operations are comparable to the services performed by employed fishermen on such vessels.

These vessel owners are primarily fishermen, differing from the members of the crew only in that they have acquired ownership of, or interest in, the craft with which they carry on their occupation. They usually go to sea and fish alongside the fishermen who are paid wages, or, in the case of joint ownership, the several partners will work together going to and from the fishing grounds and in the actual fishing operations.

In order to follow their calling these owner-fishermen, as other fishermen, are obliged to go to sea, often for long periods. They may, of course, become sick or be injured when away from their home port and be obliged to seek medical relief in places where they are unknown and where there are no facilities for their aid except those which may be furnished by the U.S. Public Health Service.

In many instances the financial position of the owner-fisherman, who must assume the business risks of an entrepreneur, is as precarious as that of his employees. Enactment of S. 367 would permit the fishermen who are owner-operators to have the benefits of the Public Health Service Act now received by fishermen who are crew members.

Approximately 123,000 fishermen were engaged in commercial fishing activities during 1960. Of this number 80,000 owner-fishermen and fishermen served on undocumented boats of limited fishing range and were not eligible for free medical benefits from the Public Health Service. About 32,000 served aboard documented vessels and could have been considered eligible. Should S. 367 become law, an additional 11,000 owner-fishermen on documented vessels would be eligible.

In addition to owner-fishermen, certain other fishermen are not eligible for free treatment at, or admission to, Public Health Service hospitals. A fisherman requesting such treatment or admission is required to furnish records indicating his seaman's occupation on board the fishing vessel, such as "engineer," "deckhand," et cetera.

Generally this presents no problem. When not engaged in fishing or related activities, fishermen perform a variety of duties which qualify them as seamen. There may be instances, however, where certain individuals on a fishing vessel would be engaged solely in fishing or processing operations on board the vessel, such as setting and hauling in the nets, heading the catch, et cetera, and would be ineligible to receive free hospital services.

It would be necessary to amend the Public Health Service Act further if these fishermen are to be included in the benefits. In the event your committee decides to take favorable action on this bill, we will be pleased to work with your staff in formulating an appropriate amendment.

Thank you.

Senator BARTLETT. Thank you, sir. Do you know why it is historically that only fishermen on documented boats are given the benefits of this medical service?

Mr. CROWTHER. I believe that is written into the act, sir. I was reading over hearings held in 1941. I believe this came up at that time, possibly in 1939, where there was an attempt at that time to get all vessels, even including those under 5 net tons, eligible under the Public Health Service Act, but that bill did not pass. So, if I am not mistaken, I believe it is part of the act.

Senator BARTLETT. Did your reading disclose why this was so, why those serving on undocumented vessels don't receive medical care?

Mr. CROWTHER. No, sir; it did not.

Senator BARTLETT. I should have put this question to those from the Department of Health, Education and Welfare, but I didn't. I wonder what happens when a seaman becomes ill aboard a U.S. fishing vessel and this vessel puts in, for example, to some South American port. Is there a contract arrangement made there by the Public Health Service?

Mr. CROWTHER. I am not in a position to answer, Mr. Chairman.

Senator BARTLETT. There is no reason you should be. We will put that question to the Public Health Service.

Do you know why it is that fishermen engaged as you say, in setting and hauling the nets, heading the catch, et cetera, are not eligible to receive free hospital service?

Mr. CROWTHER. This was also discussed back many years ago in hearings and I believe it was an administrative determination, an interpretation of the act itself, because it says seamen employed in the care, preservation, and navigation of the vessel are eligible. It was interpreted, as I recall, that those fishermen who worked on fishing activities only, such as handling nets and gear, and were not engaged in the care, preservation, or navigation of the vessel were not eligible.

However, if a fisherman took the wheel, which many of them do, or he assisted in the engine room, he would be eligible. It is a pretty narrow line, and there has been some difficulty with this interpretation.

Senator BARTLETT. Would this group be included in that class of persons that, in your opinion, Secretary Ribicoff did not want to be included?

Mr. CROWTHER. No, sir; I don't think so.

Senator BARTLETT. You think he referred only to those going along casually?

Mr. CROWTHER. Yes, sir.

Senator BARTLETT. If the bill were to be amended and I want to thank you for offering to work with the committee in preparing an amendment in this direction, if it were to be amended, do you have any idea of how many additional beneficiaries there might be?

Mr. CROWTHER. Our estimate is 11,000 owner-operators.

Senator BARTLETT. But in addition to that, you say some are not now included even under the provisions of the bill before us.

Mr. CROWTHER. Yes, sir.

Senator BARTLETT. Your suggestion is, as I interpret it, that an amendment could be inserted that would include those who handle nets and otherwise engaged exclusively in fishing operations as distinct from sharing in the operation of the vessel. If that were done, would that boost the total above 11,000?

Mr. CROWTHER. I don't think it would be a substantial number above it.

Senator BARTLETT. How many would you guess? I know it would be only a guess.

Mr. CROWTHER. I would say it would not be more than a thousand.

Senator BARTLETT. Not more than a thousand?

Mr. CROWTHER. In most cases, most of the members of a crew do engage in operation of the vessel, because quite a bit of the time is spent going to the fishing grounds and returning. Most of them stand watches or have other duties, so they would be eligible. But it would seem if the law is to be changed, if this ruling is to be changed, it might well eliminate this misunderstanding which has given some trouble in some cases.

Senator BARTLETT. Yes, actually, there could be easily a subterfuge there, could there not, to get away from that administrative ruling because everyone could be listed as having some vessel capacity even if he didn't perform it.

Mr. CROWTHER. Right.

Senator BARTLETT. So it might be the more honest thing to include him without question in the provisions of the law.

Mr. CROWTHER. Yes, sir.

Senator BARTLETT. Especially because, as I say, only a comparative handful of people would be involved in any case.

Mr. CROWTHER. That is right, sir.

Senator BARTLETT. Thank you very much, Mr. Crowther. And we will, I am sure, want to solicit your help in respect to that proposed amendment.

Mr. CROWTHER. Fine, sir. Thank you.

Senator BARTLETT. Herewith I place in the record a copy of an office memorandum from Office of the General Counsel of the Federal Security Agency, U.S. Government, dated August 12, 1946, to Dr. R. C. Williams, Bureau of Medical Services, Public Health Service. This memorandum was submitted by the Department of Health, Education, and Welfare to answer my question—"I wonder what happens when a seaman becomes ill aboard a U.S. fishing vessel and this vessel puts in, for example, to some South American port?"

FEDERAL SECURITY AGENCY, U.S. GOVERNMENT,
August 12, 1946.

Office memorandum

To: Dr. R. C. Williams, Bureau of Medical Services, Public Health Service.
From: Office of the General Counsel.

Subject: PHS medical care, merchant seamen, foreign ports.

In your memorandum of August 9, 1946, you requested advice whether or not the Public Health Service has the legal authority and responsibility for providing medical services to merchant seamen beneficiaries in foreign ports.

Section 322(a) of the Public Health Service Act provides that the beneficiaries designated therein "shall be entitled, in accordance with regulations, to medical, surgical, and dental treatment and hospitalization without charge at hospitals and other stations of the Service." Enumerated as one class of beneficiaries are merchant seamen. However, for them as for other beneficiaries, the services to be rendered are limited to those to be performed at hospitals and other stations of the Service, except when service from public or private facilities other than those of the Service is authorized by the officer "in charge of the station at which application is made." The regulations governing medical relief of merchant seamen and others are consistent with these limitations.

Section 321 of the act provides that the Surgeon General, pursuant to regulations, shall * * * "and from time to time, with the approval of the President, select suitable sites for and establish such additional institutions, hospitals, and stations in the States and possessions of the United States as in his judgment are necessary to enable the Service to discharge its functions and duties." No authority is granted to establish institutions, hospitals, and stations in foreign countries.

Therefore, it is the opinion of this Office that the Public Health Service does not have the authority or responsibility for providing medical services to merchant seamen beneficiaries in foreign ports.

Historically, under maritime law, the responsibility for the health and safety of seamen falls upon the owners of the ships. In *Aguilar v. Standard Oil Company of New Jersey* (318 U.S. 724 (1943)), the court took the view that this responsibility continues throughout the period of the employment, including periods of shore leave not calling for the performance of duties for the vessel. In its opinion the court commented on the responsibility in these terms:

"Accordingly, with the combined object of encouraging marine commerce, and assuring the well-being of seamen, maritime nations have uniformly imposed broad responsibilities for their health and safety upon the owners of ships. In this country these notions were reflected early, and have since been expanded, in legislation designed to secure the comfort and health of seamen aboard ship, hospitalization at home and care abroad. The statutes are uniform in evincing solicitude that the seamen shall have at hand the barest essentials for existence. They do this in two ways. One is by recognizing the shipowner's duty to supply them, the other by providing for care at public expense. The former do not create the duty. They existed long before the statutes were adopted. They merely recognize the preexisting obligation and put specific legal sanctions, generally criminal, behind it."

In addition to the responsibility of the shipowner for the care of seamen abroad, appropriations "for relief, protection, and burial of American seamen in foreign countries" have been made to the Department of State.

Congress has neither imposed upon the Public Health Service a duty to provide medical care for seamen in foreign countries nor made appropriations available for such purposes. We see no reason, however, why, to the extent that the War Shipping Administration or the Maritime Commission has the obligation to provide care for seamen in foreign ports, officers of the Service may not be detailed for the purpose of rendering such service on a reimbursable basis. (See our memorandum of Aug. 7, 1946, to Dr. Otis L. Anderson.)

CHARLES W. STRAUB.

Senator BARTLETT. The next witness is a man I last saw on the other side of the Pacific, in Tokyo, Representative Dick Kink, of the Washington State Legislature, who is chairman of the Washington State Fisheries Legislative Committee and who comes from Bellingham.

We are glad to see you again, Dick.

STATEMENT OF HON. DICK KINK, REPRESENTATIVE IN THE LEGISLATURE OF THE STATE OF WASHINGTON; CHAIRMAN, WASHINGTON STATE FISHERIES LEGISLATIVE COMMITTEE, BELLINGHAM, WASH.

Mr. KINK. Thank you, Mr. Chairman.

Mr. Chairman, I do not have a prepared statement, but I do have statements from organizations throughout the State of Washington, and I will name the organizations that I am representing at this hearing.

The first organization I am representing is the Washington State Fisheries Legislative Interim Committee, of which I am chairman. I am also representing the Purse Seine Vessels Owners Marketing Association. I am representing the Puget Sound Gill Netters Association. I am representing the Drum Seiners Association, and also the commissioners of the port of Bellingham and Whatcom County in the State of Washington.

I will read the amendment, or the resolution that we passed at one of our interim fisheries meetings:

State of Washington, Fisheries Legislative Interim Committee meeting in executive session on October 13, 1961, unanimously passed a resolution supporting the Senate bill 367, a bill which was introduced by Senator Magnuson—and cosponsored by yourself.

I also have here a letter from the Purse Seine Vessels Owners Marketing Association. I will not read it, but will submit it for the record.

Senator BARTLETT. It will be accepted.
(Letter referred to follows:)

PURSE SEINE VESSEL OWNERS MARKETING ASSOCIATION,
Seattle, Wash., May 2, 1962.

HON. WARREN G. MAGNUSON,
*Chairman, Interstate and Foreign Commerce Committee,
Washington, D.C.*

DEAR CHAIRMAN AND COMMITTEE MEMBERS: As you and your committee are probably well aware, our group has been constantly urging passage of a bill which would afford medical coverage for vessel owners.

SEP 16 1962

MANHATTAN, KANSAS

Now that Senate bill S. 367 has been written, and would adequately provide medical benefits for the members of our organization, we earnestly endorse this bill, and would appreciate your cooperation in its passage.

Very truly yours,

W. G. SALETIC.

HOUSE OF REPRESENTATIVES,
STATE OF WASHINGTON,
Olympia, April 19, 1962.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce, U.S. Senate,
Senate Office Building, Washington, D.C.*

DEAR SENATOR MAGNUSON: The State of Washington Fisheries Legislative Interim Committee, meeting in executive session on October 13, 1961, unanimously passed a resolution supporting S. 367, a bill which you introduced.

Very truly yours,

DICK J. KINK,
Chairman, Fisheries Legislative Interim Committee.

Mr. KINK. I also have a letter from the port of Bellingham, the three commissioners of the port of Bellingham, and I will submit this for the record.

Senator BARTLETT. Likewise it will be incorporated.

(Letter referred to follows:)

PORT OF BELLINGHAM,
Bellingham, Wash., April 23, 1962.

Senator WARREN G. MAGNUSON,
*Chairman, Senate Committee on Commerce,
Senate Building, Washington, D.C.*

DEAR SENATOR: The commissioners of the port of Bellingham urgently request you and your committee to do everything in your power to have Senate bill S. 367 enacted into law.

The port of Bellingham, which encompasses the whole of Whatcom County and takes in the fishing ports of Blaine and Point Roberts, besides Bellingham, is vitally interested in any help the Government can give to the operators of our fishing fleet. The economy of the whole county is largely dependent on the industry and any consideration given to it is a help to all of us.

Since 1954, when an administrative ruling eliminated owner-operators, those of us close to the fishing industry have felt it was a discriminating act. We only hope you and your committee can restore their historic rights.

Sincerely yours,

T. B. ASMUNDSON, *President.*

Mr. KINK. Also I have a letter from the Drum Seiners Association. I think you are familiar with this organization, Senator.

Senator BARTLETT. Intimately.

Mr. KINK. I would like to submit their letter at this time.

Senator BARTLETT. It will be placed in the record.

(Letter referred to follows:)

DRUM SEINERS ASSOCIATION, INC.,
Bellingham, Wash., April 23, 1962.

Senator WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce, Senate Building, Washington, D.C.

DEAR SENATOR: The members of this organization, which include crew members, owner-operators and operators, in regular session have passed a resolution asking you and your committee to exert every effort to have Senate bill S. 367 enacted into law.

This group, whose financial status varies to such a small degree, can't help but wonder why some of us are entitled to medical care while others are denied, when our jobs and positions are practically alike.

How an administrative ruling in 1954 could see any reason to eliminate owner-operators of fishing vessels, is beyond our reasonable thinking. It is

a definite discrimination against the minority and it accomplished, in many cases, the breakdown of the great free enterprise system of our country in fishing industry.

To protect their inclusion in the Public Health Service, owner-operators of fishing boats have sold or chartered their boats to the large canneries in order to maintain their free medical rights.

We do not believe this type of maneuvering is to any benefit whatsoever to the industry or our country as a whole. The fishing industry has had enough problems in the past years in their fight for survival, and this additional hardship which has been put on us for the past several years, should be eliminated.

We sincerely hope this nonpolitical issue will get the united effort of all the committee and our historical rights be restored to us.

Sincerely yours,

PETER ZUANICH,
Secretary-Treasurer.

Mr. KINK. I desire to make a statement in regard to some of the testimony I have heard this morning.

I have been a commercial fisherman since 1940. I have been an owner-operator of one of these vessels up to 1954. Since then I have been an operator of one of these vessels. I know that quite a few of the organizations in the State of Washington are wholeheartedly in support of this bill.

I also might state that the commercial salmon fishing in the State of Washington is in a condition similar to yours, and I know that you are aware of the situation in the State of Alaska, Senator.

Senator BARTLETT. You don't have so much encroachment by other countries.

Mr. KINK. I will state, after hearing how many people this involves, for the record and for the committee, that we are trying to help this situation out with some type of limitation of gear in the State of Washington. I have held hearings on this subject and we are hoping to have a report back from the University of Washington on this by December 1. Then we can discuss it before we go to our next session of the legislature in Olympia.

We are going to try to do something in regard to some type of a controlled or a limitation of the gear problem that we have in the State of Washington. I am now only referring to the salmon fishery in our State, Mr. Chairman.

That is all I have to say.

Senator BARTLETT. Representative Kink, approximately how many fishermen are concerned with the organizations that you are representing here today?

Mr. KINK. Do you want the ones that are not under the care, or the total number of people that—

Senator BARTLETT. The total number.

Mr. KINK. Well, offhand I would say I would probably be representing in the neighborhood of 2,000 or 2,500 people, Mr. Chairman.

Senator BARTLETT. Now you heard Mr. Jones read the letter from Secretary Ribicoff in which he suggested an amendment to exclude from the benefits of the proposed bill casual passengers—if I may use that term.

What do you think of that?

Mr. KINK. I would like to have them define a casual passenger in the sense of what they are referring to. I think it would be all right.

Senator BARTLETT. If you have a desire to consider this further

and submit a written statement referring to that, the record will be kept open.

Mr. KINK. Thank you.

Senator BARTLETT. Now in respect to the point raised by Mr. Crowther, that some fishermen will not be included in the benefits even if this bill is enacted, and that to cover them in a total number of roughly 1,000, mandatory language would be required.

Have you any view on that?

Mr. KINK. Not at this time, Mr. Chairman; but I would like to be able to make a statement on it later.

Senator BARTLETT. Have you compared the House and the Senate bills?

Mr. KINK. I have seen them, but I have not—actually, this is the only bill that we have taken up.

Senator BARTLETT. Right.

Thank you very much, Representative Kink.

Mr. KINK. Thank you.

Senator BARTLETT. The committee will stand in recess for about 3 minutes.

(A brief recess was taken.)

Senator BARTLETT. The committee will be in order.

The next witness is Harold E. Lokken, manager, Fishing Vessel Owners Association of Seattle—another Tokyo journeyer.

STATEMENT OF HAROLD E. LOKKEN, MANAGER, FISHING VESSEL OWNERS ASSOCIATION, SEATTLE, WASH.

Mr. LOKKEN. It seems like we all get over to Tokyo sooner or later.

My name is Harold E. Lokken. I am the manager of the Fishing Vessel Owners Association of Seattle, Wash.

The Fishing Vessel Owners Association which is a trade association comprised of the operators of vessels engaged in the fishing industry in the North Pacific Ocean has been active for the past 50 years. During these 50 years the organization has witnessed many ups and downs in the fishing industry. Unfortunately during the latter part of this span of time, there have been more downs than ups.

At present, association members operate approximately 200 vessels engaged in fishing halibut, sablefish, albacore, king crab, shrimp, and bottom fish such as rockfish, soles, and ling cod. The operators of these vessels live in communities from San Diego, Calif., to Kodiak, Alaska. The vessels range in size from 40 to 100 feet in length and carry crews of from 3 to 10 men each. The vessels are all high seas vessels covering the Pacific Ocean from the waters off Mexico to those in the Bering Sea. Practically all of the vessels are operated by active vessel owners who go to sea with their own vessels and work under exactly the same conditions as do their crew members. In other words, these operators are self-employed seamen performing essential services in the operation of vessels at sea.

My appearance here today is to urge passage of S. 367. The passage of this bill is needed to correct inequities which resulted from a ruling in 1954 of the General Counsel of the Department of Health, Education, and Welfare. For 20 years or more prior to this ruling in 1954, self-employed seamen or those who had financial interest in the vessels on which they served as seaman had been entitled to medical

care at facilities of the U.S. Public Health Service. This medical care was given to all persons working on board these vessels irrespective of whether they were working for themselves as owners or part owners of vessels or whether they were employees working for others just as long as they were employed in "the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation." The word "employed" in this connection was given a broad interpretation similar to the word "used."

In May 1954, the General Counsel of the Department of Health, Education, and Welfare issued an opinion stating that the term "employed" would thereafter be interpreted in the narrow sense to mean only those persons working for someone else in an employer-employee relationship. This interpretation had the effect of denying medical care to the thousands of self-employed seamen all over the country, particularly in the fishing industry. It had the effect of dividing the crews on these vessels into two parts: one consisting of those who had no ownership in a vessel and who were eligible for medical care at facilities of the Public Health Service, and the other consisting of those who had an interest in the vessel no matter how small and who were excluded from receiving medical care at Public Health Service facilities. There was no justification for this ruling. It should be corrected as soon as possible.

The hospitals of the U.S. Public Health Service, or Marine Hospitals as seafaring people call them, have long performed an extremely useful service for the U.S. maritime industry. The justification for providing medical facilities for seamen is well established in our history. Some of the reasons why these facilities were provided are as follows:

1. The roving nature of the seaman's work requires special consideration. The seaman finds himself often in distant parts of the world where he is out of touch with the medical facilities to which the shoreworker has easy access.
2. The hazardous nature of his work merits primary attention. The seaman is often exposed 24 hours a day to exceptional hazards due to extraordinary weather conditions not faced by the shoreworker or from which the seaman cannot escape as can the worker on land.
3. The seaman's work is seasonal. This seasonality is often caused by decisions of the U.S. Government. The marine worker is affected to a greater degree by actions of the Government than is his land counterpart.
4. The seafaring industry provides an outpost for the United States of value for military purposes. Seamen are usually the first to provide surveillance for their country in time of crisis.
5. The seafaring industry is characterized by economic insecurity due to its transient nature and to its seasonal cycles. Again this insecurity is caused in large part by governmental decisions.
6. The seafaring industry is of extreme importance to the Nation in time of crisis. It provides trained and experienced personnel for the Navy and merchant marine in wartime.
7. The Government is dependent upon the maritime industry in so many ways that the Government has a special obligation in the interests of its own security to see to it that the maritime industry is kept in healthy condition at all times.

8. The seamen in our maritime industry literally work elbow to elbow with workers from foreign lands, giving their occupation an international character deserving of the same consideration as that given seamen of other countries by their governments.

9. The maritime industry—and this is especially true of the fishing fleet—serves as an auxiliary to the U.S. Coast Guard and performs many of the tasks carried on by the Government-supported service. Were it not for the vessels of the fishing fleet, the cost of operating the U.S. Coast Guard would be much higher.

10. The maritime industry vastly extends the economic and political influence of the United States into areas where the ordinary protection enjoyed by the shore citizen is not found.

The justification for providing medical facilities for seamen applies with equal force to self-employed seamen. The self-employed seamen must of necessity be on a small vessel for a large vessel is usually operated by a corporation and in such cases all men on board including officers are entitled to marine hospital benefits.

On these small vessels, the self-employed seamen work under exactly the same conditions as do the employed seamen. The hours are the same. The roving nature of the employment, the hazards, the seasonal condition of the work, the economic insecurity and all the other conditions are exactly the same. In some cases, the economic insecurity of the self-employed seaman is greater than that of the employed seaman when cyclical conditions are unfavorable. In such cases, the self-employed seaman is bound to his vessel and employment and saddled with insurance, depreciation, and other maintenance costs which go on no matter how unprofitable the operation of his vessel may be.

As the news release announcing this hearing indicates, the Marine Hospital Service is not provided to the maritime industry without cost. To begin with, the cost was financed by a tax on seamen's earnings. This was replaced with a tax on the tonnage of vessels and earmarked for the Marine Hospital Service. Later the earmarking was discontinued although the tonnage tax was retained and is still being collected today.

S. 367 will add little if anything to the cost of the Public Health Service. An examination of the budget of the U.S. Public Health Service will no doubt reveal that its costs are higher today than in 1953 the last full year when self-employed seamen were given care. The hospitals are all established. No additional ones will be needed with the passage of S. 367.

S. 367 is needed to give present seamen an opportunity or incentive to improve their status. Vessel operators must come from the ranks of the crewmen. No one can successfully operate a deep sea fishing vessel without first serving his apprenticeship as a crewmember. Crewmembers today hesitate to become self-employed operators as they lose their hospital benefits when they do. The effect of this condition is to contribute to the weakening of the American fishing fleet.

Nowhere is this weakening more apparent than in the halibut fishing fleet in the Pacific Northwest in whose behalf I appear here

today. The following table indicates the erosion which has been going on from 1950 to the present time:

U.S. halibut fleet

| Year | Number of vessels | Number of crew-members | Year | Number of vessels | Number of crew-members |
|-----------|-------------------|------------------------|-----------|-------------------|------------------------|
| 1950..... | 576 | 2,807 | 1956..... | 384 | 1,761 |
| 1951..... | 544 | 2,665 | 1957..... | 461 | 2,020 |
| 1952..... | 429 | 2,128 | 1959..... | 364 | 1,671 |
| 1953..... | 512 | 2,045 | 1960..... | 330 | 1,493 |
| 1954..... | 410 | 1,958 | 1961..... | 315 | 1,412 |
| 1955..... | 403 | 1,907 | | | |

At first glance one might assume that the shrinkage has been due to a decline in halibut stocks. This is not the case as halibut stocks available to the U.S. halibut fleet have actually increased. The increase, however, has gone to Canadian vessels, the only other vessels sharing materially in the North Pacific catch up to the present time. The following table indicates the trend:

Pacific halibut catch

| Year | U.S. catch | Canadian catch | Total catch | Year | U.S. catch | Canadian catch | Total catch |
|-----------|------------|----------------|-------------|-----------|------------|----------------|-------------|
| 1950..... | 38,399,000 | 18,884,000 | 57,283,000 | 1956..... | 41,909,000 | 25,596,000 | 67,505,000 |
| 1951..... | 35,058,000 | 21,020,000 | 56,078,000 | 1957..... | 36,641,000 | 24,714,000 | 61,355,000 |
| 1952..... | 37,614,000 | 24,719,000 | 62,333,000 | 1958..... | 36,295,000 | 28,918,000 | 65,213,000 |
| 1953..... | 34,127,000 | 25,738,000 | 59,865,000 | 1959..... | 40,821,000 | 30,894,000 | 71,715,000 |
| 1954..... | 43,680,000 | 27,526,000 | 71,206,000 | 1960..... | 38,104,000 | 33,700,000 | 71,804,000 |
| 1955..... | 36,962,000 | 22,148,000 | 59,110,000 | 1961..... | 40,024,000 | 29,613,000 | 69,637,000 |

Let me add at this point that it would be extreme exaggeration to blame the deterioration of the American halibut fleet wholly on the injustice which S. 367 seeks to correct but it is no exaggeration to say that the injustice done in 1954 is one of the factors which has contributed to the weakening of the American halibut industry.

Our industry today has powerful competitors in its area of operation. Our American fishermen-seamen are working literally side by side with fishermen from these competing countries. These in the North Pacific at the present time are from Canada, Japan, and Russia. The situation in the North Pacific, therefore, merits attention from the standpoint of S. 367.

First, let us look at our neighbors, the Canadians. Their vessels are like ours in the main. They are of the same size for all intents and purposes and operate under more or less the same conditions. In Canada, however, the vessels may pay to the Canadian Government's sick mariners fund a sum comparable to the tonnage tax charged American merchant fishing vessels. But, for this Canadian charge, the crews of the Canadian vessels, including any self-employed seamen on board, are entitled to medical and hospital benefits without further charge.

The Japanese vessels are quite unlike ours. They are in most part owned by large companies and as far as I know have no self-employed persons on board. It is presumed that all personnel on board are furnished medical services.

The Russian vessels are large and modern and in a class by themselves. They are Government-owned and operated and their numbers are being expanded rapidly. Cost apparently is not a factor in their operation or deployment. Without doubt the crews on Russian vessels who are Government employees from every standpoint receive full medical and hospital care.

These are the vessels among whom our fishermen-seamen are working and with whom our seamen are attempting to compete. It is an unequal struggle. For its own welfare our Government should set about to improve the competitive position of its maritime industry including both large and small vessels.

These vessels in this atomic age could become indispensable in the event of atomic warfare. With land areas and our population centers the target of enemy attack, and with our food supply from our agricultural heartland contaminated by the byproducts of atomic war, the merchant marine of the country including the fishing fleet could well become a means of survival for many of our citizens through the movement of people out of danger areas and for production of food from the sea.

It is our considered opinion that if the U.S. fishing industry is to survive, it must have assistance from the U.S. Government. Our private industry cannot compete with fishing fleets operated as arms of foreign governments or subsidized by them. S. 367 is not the sole solution to the dilemma, but its adoption is a step in the right direction. We urge its passage with utmost haste.

Senator BARTLETT. Thank you, Mr. Lokken, for a very useful statement. You heard the recommendations of Secretary Ribicoff that the bill be switched around so that it exclude from medical benefits passengers, guests, and exclude others aboard a documented vessel by reason of some incidental service. Do you care to make a recommendation?

Mr. LOKKEN. Yes, sir; we are in favor of the recommendation of the Secretary. We in our fishing industry have no guests or no passengers. Our men are purely self-employed seamen-fishermen, and it is only on rare occasions that other than persons in that category get on board our boats.

Senator BARTLETT. Mr. Lokken, you also heard Mr. Crowther say that the committee might give consideration to an amendment to include certain fishermen not now included. Do you have a view on that?

Mr. LOKKEN. I think that would require the amendment to include undocumented vessels. By undocumented, I mean a vessel 5 net tons and over that carries an actual document rather than a license and that might entail difficulties.

Senator BARTLETT. Not necessarily, because if I understood Mr. Crowther correctly, Mr. Crowther's statement related to documented vessels only. But, he said with respect to persons on those vessels that some are excluded now by definition and they might well be included because of the nature of their work. They are now excluded unless they are engaged in navigation or in the engine room.

If they simply fish and do nothing to service the vessel, they are excluded.

Mr. LOKKEN. I have no objection to that. We have no such persons on board our vessels. Our vessels are all deep-sea vessels, they travel great distances and there is no question as to their eligibility as seamen.

Senator BARTLETT. It would seem to me such an amendment would be most desirable because the intention here is to include these people and by law all fishermen who are otherwise eligible should be covered, I should think.

Mr. LOKKEN. I would agree.

Senator BARTLETT. You said in your statement, Mr. Lokken, that for 20 years or more prior to this ruling, this administrative determination back in 1954, self-employed seamen or those who had financial interests in the vessels were treated at Public Health Service installations and hospitals. I understood Mr. Jones to say that it went much further back. I wonder which is right?

Mr. LOKKEN. Mr. Jones, no doubt—my statement was a general one based upon my own experience.

Senator BARTLETT. Your own personal experience?

Mr. LOKKEN. Yes.

Senator BARTLETT. You said that the seaman's work is seasonal. Let's say that one of the members of your association lives in Seattle, and this is during the month of November. When he isn't out halibut fishing and he becomes ill or is injured, off season, can he receive this medical care?

Mr. LOKKEN. Normally, yes, if he can prove to the officials in the hospital that he is merely unemployed at the present time because the vessel upon which he normally is employed is laid up and that he is not engaged in any other occupation. The minute that he, let us say, takes a shore job, then he loses eligibility. But if he is on shore between voyages or between seasons and not engaged otherwise, they normally permit him to enter the hospital or to receive medical benefits.

Senator BARTLETT. What if a man contracts tuberculosis, for instance, during this off season period. Is there any limitation of time whatsoever that the Public Health Service places upon the period of his hospitalization?

Mr. LOKKEN. I think each case stands upon its own merits. The director in charge of a particular hospital determines eligibility based upon all of the facts and there are no hard and fast rules as I understand them.

Senator BARTLETT. But there is an obligation, under law, on the part of the Government to return this man whole to his occupation if this can be done medically?

Mr. LOKKEN. Correct.

Senator BARTLETT. You made a statement that I for one applaud when you say that the Government is dependent upon the maritime industry in so many ways and that the Government has a special obligation in the interests of its own security to see to it that the maritime industry is kept in healthy condition at all times. And I think that you and I would agree that the Government is not honoring that special obligation at this time in many many particulars.

Mr. LOKKEN. I agree.

Senator BARTLETT. And I agree with you, since we are in exact harmony here, that the Government had better do so soon.

It is very important, I think, Mr. Lokken. Is your statement referring to the fact that originally this medical service was financed by a tax on seamen's earnings? Later it was replaced by a tonnage tax dedicated to the Marine Hospital Service. And then you went on to inform the committee that this earmarking has been discontinued and the tonnage tax, however, is still collected. And that makes no particular difference, I shouldn't think, whether it is dedicated or whether it isn't dedicated, the money is still paid in and paid in primarily to finance this medical service by this industry for the seamen concerned. Right?

Mr. LOKKEN. Correct.

Senator BARTLETT. Why do you believe, Mr. Lokken, this isn't exactly related as you emphasized, but why do you believe that the U.S. halibut catch has increased so slightly since 1950 while the Canadian take has mounted by over 11 million?

Mr. LOKKEN. You mean why—

Senator BARTLETT. Why do we make such slow gains and the Canadians make such rapid gains in the taking of halibut when the stock is not depleted?

Mr. LOKKEN. One reason, I think, is that the Canadian Government being smaller and fisheries being a more important segment of the Canadian economy than the fishing industry in the United States is to ours, that the Canadian Government fosters the fishing industry there. I can give one example of that and I think Mr. Kink here is more intimately acquainted with the situation than I am, where the Canadian Government actually bought fishing vessels to put into the salmon fisheries, Canadian salmon fisheries on the west coast and many of those vessels that were bought by private Canadian fishermen with money provided by the Canadian Government are now fishing halibut as an offseason activity from their salmon operations.

Senator BARTLETT. So far as your knowledge goes, has the American Government ever offered comparable assistance?

Mr. LOKKEN. They have some assistance provided through the Fish and Wildlife Service where our fishermen can get loans but—

Senator BARTLETT. Loans for what?

Mr. LOKKEN. For construction of vessels and for modernizing them, and in some cases, our vessels have those loans but they have to be paid back out of earnings and if the earnings aren't there, there aren't going to be many fishermen taking advantage of the opportunity.

Senator BARTLETT. Did you say that some of the halibut fishermen have turned to this source of funds?

Mr. LOKKEN. A few, yes.

Senator BARTLETT. Now, on the reverse side of the coin, why, in your judgment, has the number of American halibut boats in the Pacific Northwest decreased from 576 in 1950 to 315 in 1961 with a corresponding decrease in crew members from 2,807 to 1,412?

Mr. LOKKEN. One reason, of course, is the seasonality of the fishery as it is prosecuted today. The halibut are available 12 months out of the year. As a conservation measure, together with the Canadian Government, the catch is restricted. In Canada, however, they have a herring fishery that operates in the wintertime. They have a

salmon fishery that for all intents and purposes is quite healthy and the vessels can operate in several types of fishing all year round where our opportunity is limited.

Senator BARTLETT. So being dependent upon the one fishery only and failing to realize an adequate income from that fishery, some of the halibut people have just quit business?

Mr. LOKKEN. That is correct.

Senator BARTLETT. Well, there are herring, too, in Alaska waters, I understand from recent newspaper accounts. The Japanese are discovering some there.

Mr. LOKKEN. That is in the summertime, when they are available for capture and not in the wintertime or the off season time insofar as our halibut and salmon fishermen are concerned.

Senator BARTLETT. Has the number of Canadian halibut boats increased during this 11-year period referred to in your table?

Mr. LOKKEN. I would say, I don't have the figure right at my fingertips, but they have either increased or if the number hasn't increased, the size has, so that the vessels are larger now than they were before. Of that I am positive.

Senator BARTLETT. You said, Mr. Lokken, that over in Canada the vessels may pay to the Canadian Government sick mariner's fund a sum comparable to the tonnage tax charged American merchant vessels. Is that a permissive payment?

Mr. LOKKEN. Yes; it is, but most of them make the payments. They have to declare that they wish to be eligible prior to the beginning of operations in the spring and once they declare themselves, then they make, I believe it is, three payments. I have the file here that indicates what the payments are. When they do, then they are eligible throughout the entire year.

Senator BARTLETT. No payments, no benefits?

Mr. LOKKEN. That is correct.

Senator BARTLETT. In conclusion, I only want to refer, not to query you about, one sentence from the last paragraph in your statement, where you said: "It is our considered opinion that if the U.S. fishing industry is to survive, it must have assistance from the U.S. Government." I merely want to say that I subscribe to that statement and if this recommendation you make is not honored, why then in a comparatively short time, our fishing industry is not only going to be mighty sick, but it might be fatally damaged.

Thank you, Mr. Lokken.

Mr. LOKKEN. Thank you.

Senator BARTLETT. Jeff Kibre.

**STATEMENT OF JEFF KIBRE, WASHINGTON REPRESENTATIVE,
INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION,
WASHINGTON, D.C.**

Mr. KIBRE. Mr. Chairman.

Senator BARTLETT. We are glad to have you here, Mr. Kibre.

Mr. KIBRE. My name is Jeff Kibre. I am the Washington representative of the International Longshoremen's & Warehousemen's Union. I appear today in behalf of the ILWU Fisheries Division, comprising some 3,500 west coast fishermen and shoreworkers, to support the enactment of S. 367.

I have some prepared remarks, but rather than burden the hearing here this morning by repeating much of what has already been said, I think I would just like to have the prepared remarks inserted in the record and simply confine myself to a few comments.

Senator BARTLETT. By unanimous consent, it is so ordered.

(The prepared text follows:)

STATEMENT OF JEFF KIBRE, WASHINGTON REPRESENTATIVE, INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION, ON S. 367, TO PROVIDE MEDICAL CARE FOR CERTAIN PERSONS ENGAGED ON BOARD A VESSEL IN THE CARE, PRESERVATION, OR NAVIGATION OF SUCH VESSEL

My name is Jeff Kibre. I am the Washington representative of the International Longshoremen's & Warehousemen's Union. I appear today in behalf of the ILWU Fisheries Division, comprising some 3,500 west coast fishermen and shoreworkers, to support the enactment of S. 367.

This bill would provide a much-needed clarification of the Public Health Service Act as it applies to fishermen. The proposed amendment to sections 2(h) and 322(a)(1) would end what amounts to discrimination against a considerable body of working fishermen who are engaged in the care, preservation, or navigation of their vessels. These men, judged by commonsense standards, should be eligible for medical care under the Public Health Service Act, and that is what the amendment would accomplish.

Under existing provisions of the act, medical services are available to all seamen employed on registered, enrolled, and licensed vessels of the United States. The term "seamen" is defined to include "any person employed on board or in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation." These provisions go back to the acts of June 29, 1870, and March 3, 1875.

Fishermen, of course, must necessarily be devoted to the care, preservation, or navigation of their vessels. But to qualify as beneficiaries of the Public Health Service Act, they must be "employed" on a fishing vessel. This latter standard simply does not fit the peculiar makeup and economic relationships of our fishing fleets; it bars thousands of men from medical service to which they otherwise would be entitled.

Broadly speaking, our fishing fleet is divided into two basic categories; large vessels, engaged primarily in deep sea operations; and small boats, limited mainly to coastal, or offshore harvesting.

The large vessels present no problem in regard to the Public Health Service Act. These vessels employ crews of from 7 to 15 men, and such fishermen are therefore receiving medical care. When we turn to the small boats, however, we find that fishing activities are carried on in such a way as to put the great majority of these fishermen outside the language of the act.

The typical small boat involves one or two or three men. Generally, the boat is owned, in whole or in part, by one or more of the working fishermen. The element of ownership, incidentally, has long been promoted, and abetted by fish buyers as essential to the practical requirements of the small boat fisheries. Essentially, and this is the significant thing, the small boat fishermen are operating on their own account, as independent contractors or joint venturers; they are not considered to be employees.

These fishermen, whatever their legal status may be, constitute a vital part of the labor force required for harvesting our fishery crops. On the west coast they are engaged primarily in the salmon, albacore, barracuda, lobster, crab, and market fisheries. A considerable number work year around, moving up and down the coast from one fishery to the other.

For the purposes of the Public Health Service Act, it can be noted that the small boat fishermen certainly fit the intent of the definition applying to seamen beneficiaries. They are constantly involved in the care, preservation, or navigation of their vessels. In fact, their very lives often depend on expert seamanship and the care given their craft.

It is also pertinent to note that many small boat fishermen operate far from their home ports during the greater part of the year. A Puget Sound salmon fisherman, for example, may, during certain months, be operating off San Diego for albacore. Often, when away from home, these men suffer accidents or disabilities that demand emergency medical care; and, more frequently than not, they lack the means to obtain promptly the needed attention.

Another aspect of the current situation bears mention. Continually, fishermen from large vessels are shifting to small boats—especially during hard times, when men must try everything to make a living. Suddenly, the longtime employee fisherman becomes a joint venturer or an independent contractor and, even though performing essentially the same services, no longer qualifies for Public Health Service care. Obviously that man is left to wonder at the strange ways of Government.

By the very nature of their activities at sea, small boat fishermen, we submit, are entitled to equal treatment with other fishermen and seamen. The test should not be their legal status, but the substance of their activities; whether they are consistently performing those functions which give them standing as seamen beneficiaries.

The proposed amendment would accomplish this objective. It relates the appropriate provisions of the Public Health Service Act, sections 2(h) and 322(a) (1), to the realities of the fishing fleet. By inserting the words "or engaged" in these provisions, the amendment will extend the benefits of the act to those small boat fishermen whose lives and livelihood depend on the care, preservation, or navigation of their vessels.

In urging adoption of the amendment, we recognize that not every small boat fisherman is entitled to medical care. There are many casual fishermen, many so-called weekend or vacation fishermen, who devote only several weeks at the most to commercial activities. We are not speaking for those persons. The act's benefits should be limited, by administrative standards, to small boat fishermen who are regularly engaged—as the major source of their livelihood—in commercial fishery harvesting.

One final consideration should be taken into account in appraising this legislation. The Nation's fishing fleet, for a variety of reasons, has been hard hit during the last decade. The details need hardly be recited for this committee. Suffice it to say that the average fisherman desperately needs a little encouragement from his Government, from this Congress.

Speedy action in approving S. 367 will be more than welcomed by thousands of fishermen, on small and big boats alike. It will be taken as a sign that they are not forgotten, that they are remembered from time to time as men who fulfill an important service for their country.

Mr. KIBRE. I am very happy for that cooperation, sir.

I do want to say this, Mr. Chairman: In our membership our fishery membership is composed primarily of employee-fishermen working aboard purse seine vessels operating in southern California in tuna, sardines, and mackerel fisheries and in the North Pacific area on purse seiners operating primarily in the salmon fisheries. Our membership aboard these purse seine vessels are presently getting and have for many years been getting the benefits of the marine hospital service. No serious problem as far as our membership is concerned.

At the same time, our membership is wholeheartedly in favor of this particular measure, of this particular bill. We feel, as the representatives of HEW said this morning, that anything that benefits, anything that strengthens the fishing industry definitely serves the national interest.

And I may underline what the chairman said a moment ago that certainly, we think, that more needs to be done than has been done in the past. But this at least is one important significant step that can help to restore in some measure the morale of the fishermen. I might add that morale has been pretty seriously battered in the last 10 or 12 years by neglect and by failure of the Government to really properly care for the needs of the fishing industry. So this is one small step and while our fishermen are presently getting the benefits of the marine hospitals, they are wholeheartedly in favor of seeing that service extended to those fishermen who are self-employed, those fishermen who happen because of a technical legal status to be deprived of what they are properly entitled to under the intent of the law.

I think that summarizes the comments that I had in mind, other than the content of my prepared remarks, which is substantially in accord with what the previous witnesses have made available for the record here this morning.

I add this, Mr. Chairman, that we do agree that there has to be some restraint on the extension of the service to fishermen. We don't particularly favor the granting, let's say, of marine hospital service to what we might term the weekend fisherman or the vacation fisherman or the casuals who might put in a day or two at various times in the year in commercial fishing. We think that this service ought to be restored to those fishermen who are really in the industry for their livelihood and who are following fishing as a major activity. In that sense, we agree that there must be some restraint and that perhaps the proposal of the Secretary of HEW may be the proper language.

We are not certain about that; we would want to check that out. But we agree with the intent. We agree there has to be some restraint insofar as the extension of this service.

Senator BARTLETT. Thank you for your statement, Mr. Kibre.

Mr. KIBRE. I want to thank you for appearing and I also want to say this, that I would like to commend the chairman of this subcommittee and the chairman of the full Commerce Committee, Mr. Magnuson, for the great deal of zeal they displayed over the years in attempting to bring about the restoration of this service to the fishermen.

Senator BARTLETT. In that connection, Mr. Kibre—

Mr. KIBRE. I happen to be well aware of the efforts they have devoted to this problem.

Senator BARTLETT. I think Mr. Lokken's statement is particularly pertinent when he said that perhaps the Canadian halibut fleet is doing better than ours because fishing has a more important place in the Canadian economy overall than it does in ours. And the same might be related with reference to mining, the fact that there are so few miners and fishermen comparatively in the United States creates a situation whereby they are unable to get, it seems to me so frequently, the kind of Government assistance which is essential not only to them but in the long run to the welfare of the Nation as well.

Mr. KIBRE. That is very, very true and I can speak from some experience because for some years I was actively connected as an official with the Fishermen's Union on the west coast. The truth of the matter is that within the last 15 years that the fishing industry of the United States has not received the attention that it deserves in terms of the role that it plays for the benefit of this country, not only in terms of being an important source of food, but also for the role it has played during wartime in terms of national security.

And that certainly has been in the record, it is in the record of almost every history book, the role the fishermen have played since the time of the Revolutionary War in this country, when they performed a very vital service in assisting Gen. George Washington and throughout the history of our country, the fishermen have played an extremely important role in terms of national security.

I think it is a very short-sighted policy on the part of our Government not to recognize the full significance that this industry has in terms of the national welfare.

I do repeat, however, that I know that there are a number here in the Congress, yourself for one, Senator Magnuson, others in the Senate, and certainly a number on the House side, who have recognized this for some years and have worked at great, great lengths to attempt to rectify the neglect that has generally distinguished our national policy toward the fishing industry.

Senator BARTLETT. Thank you, Mr. Kibre.

One question: Mr. Crowther pointed out in his statement a possibility that the committee might like to consider language which would certify that fishermen not engaged in direct operation of the vessel be included within the benefit plan. Do you have an opinion on that?

Mr. KIBRE. Well, on the purse seiners that we represent, every member of the crew is engaged at some time or another in the care, preservation, and navigation of that vessel. That is how the crew works. So every member of the crew becomes entitled to marine hospital service.

I am sure that goes for the average large fishing vessel. Every member of the crew, in addition to his fishing duties, has certain prescribed duties that are related to the care, preservation, and navigation of the vessel. I don't know of any problem that exists with reference to employee fishermen on the large vessels.

Senator BARTLETT. However, Mr. Crowther said there might be possibly a thousand people concerned and my notion is perhaps it would be well to lock this right in, to make sure that they got the benefits, too, because certainly they are fishermen engaged in this activity and doubtless all of them would at some time or other be engaged in the operation of the vessel and yet they might find it mighty difficult to prove it.

Mr. KIBRE. I would certainly agree that we do not want a situation where fishermen in order to obtain service to which they are properly entitled should have to indulge in subterfuge. I certainly agree it should be avoided and I will undertake to query our locals and ascertain whether there is any problem and whether an amendment might be in order. I agree the coverage should be on the soundest possible basis.

Senator BARTLETT. If you will submit that for the record as soon as possible, Mr. Kibre.

Mr. KIBRE. Right.

Senator BARTLETT. Thank you.

Senator BARTLETT. Mr. Earl W. Clark, codirector of the Labor-Management Maritime Committee. And this is submitted, as I understand it, Mr. Clark, in behalf of yourself and Mr. Hoyt S. Haddock, and Mr. Alvin Shapiro. Is that right?

STATEMENT OF EARL W. CLARK, CODIRECTOR, LABOR-MANAGEMENT MARITIME COMMITTEE, WASHINGTON, D.C., ACCOMPANIED BY HOYT S. HADDOCK, CODIRECTOR

Mr. CLARK. Yes. Mr. Haddock is here, and he and I jointly are presenting the case for the industry.

Mr. Chairman, we do not seek to necessarily read our statement into the record. If I may, I would prefer to file both our statement and

our transmittal letter, because much of what we have here has already been covered in other testimony.

Senator BARTLETT. Thank you. It will be printed in full in the record.

(Statement and transmittal letter referred to follow:)

LABOR-MANAGEMENT MARITIME COMMITTEE,
Washington, D.C., April 30, 1962.

HON. WARREN G. MAGNUSON,
Chairman, Subcommittee on Merchant Marine and Fisheries of the Senate Commerce Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: We submit herewith a statement on S. 367 which is to be heard before the Subcommittee on Merchant Marine and Fisheries of the Senate Commerce Committee.

We are authorized to make this submittal on behalf of all three organizations who have joined in the statement itself.

None of the organizations joining in this statement seek to testify formally before the committee, but desire to present their position as favoring the bill, with certain modifications which are spelled out on page 4 of the attached statement.

Respectfully submitted.

EARL W. CLARK,
HOYT S. HADDOCK,
Codirectors.

STATEMENT OF THE AFL-CIO MARITIME COMMITTEE, AMERICAN MERCHANT MARINE INSTITUTE LABOR-MANAGEMENT MARITIME COMMITTEE, ON S. 367

(Submitted by Hoyt S. Haddock, executive secretary AFL-CIO Maritime Committee; Alvin Shapiro, vice president American Merchant Marine Institute; Earl W. Clark, and Hoyt S. Haddock, co-directors Labor-Management Maritime Committee)

The Labor-Management Maritime Committee representing some of the major American-flag steamship lines and seagoing labor unions, the AFL-CIO Maritime Committee consisting of the largest segment of maritime unions within the AFL-CIO, and the American Merchant Marine Institute comprising a broad membership in the maritime industry, desire to jointly support the general intent and purpose of S. 367. We believe that Public Health Service hospital and medical care should be made available to a certain class of fishermen presently denied such care because they are owners or part owners of fishing vessels.

It should be pointed out that, prior to 1954, these fishermen (who were owners or part owners of vessels) were receiving such hospital and medical care but were excluded during that year following a legal opinion by the General Counsel of the Department of Health, Education, and Welfare.

We understand the occasion for such ruling arose in 1951 out of a claim for medical care by certain parties occupying residential yachts and houseboats. The claims were based on the general language of the law. The attempt in the cases in point were to include even a housewife, who was in fact engaged in the care or preservation of the vessel under the literal wording of the act. It seems obvious that such persons were not intended to fall under the classification of seamen as set forth in 42 U.S.C. 201 (h).

In November of 1953, the Public Health Service referred the matter to the General Counsel of that agency for review and advice. His opinion resulted in the issuance of regulations which had the broad effect of barring, among others, the fishermen owners or part owners of small fishing vessels to whom such medical and hospital care had been traditionally extended.

The new regulations were first published in the Federal Register on March 24, 1954, revised and republished on May 26, 1954, and became effective June 26, 1954.

While no one could quarrel with the necessity for proper interpretation of the law and its appropriate application to the type of cases giving rise to the new regulations, the net effect upon certain of those in the fishing trade was unfortunate.

Seamen employed on vessels registered, enrolled, or licensed under the maritime laws of the United States are now entitled to Public Health Service care.

This is clearly established in 42 U.S.C. 249 (a) (1). Many of these are fishermen. However, by administrative regulation, those fishermen who own or have an interest in their fishing boats are now excluded.

The fact that a fisherman enjoys ownership or part ownership of a small fishing boat in which he pursues his occupation does not appear to change the complexion of his occupation as a fisherman. Furthermore, his occupation is for the most part comparable to the many other types of seamen. In fact, many of these fishermen-seamen have been readily adjusted to other types of seamen's duties during wartime or in periods of national emergency. Certainly their normal duties on board a vessel are not changed by virtue of the fact that they have an interest in some fishing boat.

We subscribe to modification of the law to the extent that it can be interpreted to also include owner-operators of fishing boats (registered, licensed, or enrolled under the laws of the United States) as recipients of Public Health Service hospital and medical care. We believe, however, amendment as proposed by S. 367 is so broad that it could be interpreted to apply to other than fishing boat owners as, for example, independent contractors. Furthermore, if the definition of "seamen" is broadened as proposed, it might possibly be extended to other laws.

In order to amend the law to accomplish the true intent embodied in the proposal which you are considering, we suggest and recommend that section 1 of S. 367 be amended to read in some such manner as follows:

"That Section 2(h) of the Public Health Service Act (42 U.S.C. 201(h)) is amended by striking out 'any person employed on board' and inserting in lieu thereof 'any person employed or self-employed on board' and by inserting immediately after the word vessel, the following: '(including persons employed or self-employed as fishermen on board commercial fishing vessels).'"

Mr. CLARK. And then I have certain comments which I would like to make at this time.

Senator BARTLETT. If you please.

Mr. CLARK. I want to say first of all that this position represents a rather broad unified position on the part of both labor and management throughout the country. You will note that our statement is joined by the American Merchant Marine Institute, which covers shipping widely throughout the entire country. Their attorney is in the room here present at this hearing.

It also sustains and supports S. 367 with certain amendments, which we have included in this statement.

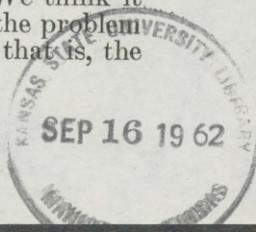
It is supported by the AFL-CIO Maritime Committee represented by Mr. Haddock and by the Labor-Management Maritime Committee represented by both Mr. Haddock and myself.

This is one of those pleasant times, Mr. Chairman, in which labor and management can jointly support legislation which they feel is in the interests of the merchant marine.

Our chief interest in filing a statement is to maintain the integrity of the word "seaman," as it is expressed in 42 U.S.C. 201 (h). This is the section of the statute which defines for purposes of public health care, the recipient in terms of seaman occupation.

We have also, may I say, checked with the other associations around the country, and while some of them feel they have no direct interest in the problem, there has not been one single objection filed with us on the part of any shipping association, either labor or management.

We do not agree that the word "engage," which is presently incorporated in S. 365 should remain there. The word "engage" encompasses so many things that I think it leaves quite a degree of doubt as to how far the title "seaman" would be broadened. We think it ought to be specified in such terms as to clearly identify the problem which I am sure the committee is seeking to solve, and that is, the owner-operator or part owner-operator of a fishing vessel.



In our review we have seen very little difference—well, we have seen no difference in the fact that a man may own a fishing boat, a little fishing boat, or he may own a part interest in a little fishing boat. Many times he is in debt for that. He pays down a downpayment and he is paying for it on a long term; or a group of fishermen may engage in such a procurement. This in no wise seems to change the complexion of his occupation.

He was entitled to this up until 1954. It was changed by a legal opinion of the Health, Education, and Welfare because the language at that time seemed to be sufficiently broad to bring in persons who perhaps did not quite fall within the original intent of the Congress. I think the attorneys felt this.

So that our suggestion, Mr. Chairman, is quite similar to page 2 of Congressman Miller's document. I think he covers it in the latter half of page 2, and I would just like to read into the record the suggestion which we propose to this committee.

Our proposal is that the bill read in some such language as follows:

That section 2(h) of the Public Health Service Act (42 U.S.C. 201(h)) is amended by striking out "any person employed on board" and inserting in lieu thereof "any person employed or self-employed on board" and by inserting immediately after the word "vessel," the following: "(including persons employed or self-employed as fishermen on board commercial fishing vessels)."

I find almost the same identical wording recommended by Congressman Miller, and basically we do not see any conflict in what we are proposing and that which has been proposed by the Public Health Service.

So we should like to file this recommendation with its attendant comments with the committee, and I so submit it.

Senator BARTLETT. Thank you.

Mr. Clark, do you have any comment to make upon the—not recommendation, it wasn't a recommendation, made by Mr. Crowther—instead he called it to the attention of the committee, as you know—the possible omission of certain fishermen from the benefits of the bill?

Mr. CLARK. I would make this comment on that point: from our knowledge of the small fishing trade—and I am willing to admit that it is not a broad knowledge in terms of the technicalities of the ship operation on fishing boats—I can't conceive of very many fishermen who would not be engaged at some point in the care or preservation of the vessel, or even at times in the navigation of the vessel.

The wording of the present law in encompassing these two things, "care and preservation," is quite broad. And I would feel that there would be very few fishermen that would be omitted in that category.

I think that the industry is interested still in the word "seaman." As I prefaced my remarks, Mr. Chairman, we are interested in keeping the integrity of the word "seaman;" and would such a man, if you could find him, who at no time has any connection with care or preservation or navigation, would he be a seaman?

I think this is a question which the committee will have to resolve. And I personally can't conceive of very many instances in which these small fishing boats would not at some point engage at least in care and preservation.

Senator BARTLETT. I do, too, think it would be very few; but I also think that if a man is entitled to these benefits, it would perhaps be just as well to make it easier for him to secure them.

Mr. CLARK. I would say this, Mr. Chairman, that if in the wisdom of the committee this conclusion is reached, I feel the industry would, from its own point of view, interpose no particular objection to it.

We do observe that our comments have been related to—and I think must be related to the question of “seaman,” because that is the business in which we are engaged.

Senator BARTLETT. I understand; and I believe, also, that these people actually are seamen. As Mr. Crowther implied, there might be a thousand, at the most, sort of in this gray land, and it would be well to include them.

Thank you very much, Mr. Clark.

Mr. CLARK. I would like to make another comment by way of information, if I may, Mr. Chairman.

The question was asked during the testimony at several points about the tonnage tax.

Senator BARTLETT. Yes.

Mr. CLARK. I believe that you inquired as to the figures. We did not enter this document into the record, but we have done a study on this which on page d of the report gives you the exact figure.

Senator BARTLETT. Would you read some of those into the record?

Mr. CLARK. Read it into the record?

Senator BARTLETT. We would be glad to have that.

Mr. CLARK. This is taken from the Treasury figures, Treasury Department symbol No. 20-0193. And we have secured the figures only for the past 11 years.

Incidentally, the amount of tonnage tax is progressing. In 1950—

Senator BARTLETT. Excuse me. How do you mean “progressing”?

Mr. CLARK. It is progressing in terms of dollars.

Senator BARTLETT. I see.

Mr. CLARK. In 1950 the sum paid in, in tonnage tax was \$2,140,232.59; in 1951 it was \$1,892,426.63; 1952, \$2,789,056.52; in 1953 it was \$2,375,828.04; in 1954, \$3,133,733.05. In 1955 it was \$2,432,845.40.

Here is where the progression comes in. In 1956, \$4,695,727.31; in 1957, \$5,146,374.70; in 1958, \$4,253,614.43; in 1959, \$4,103,388.98; in 1960, \$4,473,000.

The total for the period—I believe this is 11 years, 1950 and winding up in 1961—is \$37,436,227.65, which is almost exactly what Congressman Miller testified. I think he used a figure of \$38 million.

I think in passing—I do not want to delay this, Mr. Chairman, but if it is your desire—something that is sometimes forgotten, is that seamen today also posthumously contribute funds into the U.S. Treasury.

Senator BARTLETT. How is this?

Mr. CLARK. May I say that from 1798 until 1884 there was a direct tax upon seamen for the support of the marine hospitals. From 1884 on, that was abandoned and a tonnage tax was levied upon each vessel that comes into port. This does not mean seamen are not contributing, they are not contributing by way of tax, but seamen's unclaimed wages, seamen who die, seamen who disappear, seamen who can't be found—the courts after a period of time will dispose of their effects and they will declare them for sale publicly. That money goes into the miscellaneous receipts of the Treasury.

We in the industry claim that both the labor contributions in this category, as well as those which I have read to you previously, is in lieu of direct support of the hospitals. I have those figures, if you want them in the record.

Senator BARTLETT. Let's put them in the record, if you please, but give just an indication now of what they amounted to in the aggregate, or for any recent year.

Mr. CLARK. Yes. In 1950 on through 1959, the total was \$747,-857.10. This is a disposal of the assets of these people which in most cases is presumed to be posthumously declared.

LABOR-MANAGEMENT MARITIME COMMITTEE,
Washington, D.C., May 4, 1962

Mr. HARRY HUSE,
Senate Committee on Commerce,
New Senate Office Building,
Washington, D.C.

DEAR SIR: In going over the transcript of the testimony, I note that Senator Bartlett desired for the record, a breakdown of the contributions made by seamen posthumously. I am therefore including the table for insertion.

| | | | |
|-----------|--------------|------------|------------------|
| 1950----- | \$169,979.73 | 1957----- | \$10,841.30 |
| 1951----- | 101,075.54 | 1958----- | 20,844.54 |
| 1952----- | 107,345.46 | 1959----- | 31,690.46 |
| 1953----- | 107,270.28 | 1960----- | (¹) |
| 1954----- | 82,240.24 | | |
| 1955----- | 64,948.56 | Total----- | 747,857.10 |
| 1956----- | 51,620.99 | | |

¹ Not yet available. When 1960 figures become available, this may increase appreciably for the 11-year period total.

Source: U.S. Treasury Department, Symbol 0991.

I would assume you may wish to insert it immediately after the paragraph of my testimony which ends with the sentence, "This is a posthumous declaration of the disposal of assets of these people."

Sincerely,

EARL W. CLARK, *Codirector.*

Senator BARTLETT. How does this work? I think we ought to have the record complete.

When a seaman dies, what portion of his estate does the Government collect for this purpose or any other purposes? You say it goes into miscellaneous receipts?

Mr. CLARK. On the death of the person, the Government collects nothing, unless, as I say, no one can find him. There is no obligation upon the seamen to pay anything. This only relates to death or disappearance or unclaimed wages where the assets or the wages have to be disposed of. It is only at that point where the current law provides that there be a disposal of these assets, and the courts declare it for deposit into miscellaneous receipts of the Treasury. I assume that all of it goes into miscellaneous receipts of the Treasury unless there is some cost involved with which I am not familiar—court costs.

Senator BARTLETT. Let me put it in these terms:

Let's say a seaman dies. He dies without any debts and he has coming to him \$1,400 in unpaid wages. Would that entire \$1,400 go into miscellaneous receipts of the Treasury providing he had no heirs?

Mr. CLARK. Yes; unless, Mr. Chairman, there is some deduction for court costs, with which I am not familiar.

Senator BARTLETT. But substantially all?

Mr. CLARK. Yes.

Senator BARTLETT. Now do you have any clue as to why the tonnage tax jumped so much commencing in 1956?

Mr. CLARK. I don't know that I do. The highest year was 1957, which I believe was a relatively good year in shipping.

Shipping is an up and down industry, but I think that a part of this is related to the overall commerce of the world. I mean we have a population increase in this country, we have an expansion of industry in this country. I only regret that more of the tonnage was not carried on American ships. But I think the total tonnage worldwide is increasing as our population increases and as our society becomes more complex and as our commerce develops.

Senator BARTLETT. Just so we may make this record as complete as possible, Mr. Clark, what is this tax? What is its amount, and how is it derived?

Mr. CLARK. Every ship that comes into port is taxed at so much for—I think it is the gross tonnage or weight.

Senator BARTLETT. Of the ship's weight?

Mr. CLARK. Yes. If I find that statement has any variations in it, I will be glad to correct it.

Senator BARTLETT. If it is not asking you too much, may I ask you to prepare a statement on this particular subject?

Mr. CLARK. I will be happy to do so.

(The material referred to is as follows:)

ADDITIONAL INFORMATION TO BE ENTERED IN THE TESTIMONY OF EARL W. CLARK
ON S. 367 AS REQUESTED BY THE CHAIRMAN, SENATOR BARTLETT

I think it should be made clear that the formal statement submitted by the associations from industry (both labor and management) does not treat of the tonnage tax. This is because of the fact that such tax is not a condition or criterion for extending medical and hospital care to seamen. As a matter of fact, fishing boats generally do not pay such tax.

46 U.S.C. 122 states:

"No vessel belonging to any citizen of the United States, trading from one port within the United States to another port within the United States, or employed in the bank, whale, or other fisheries, shall be subject to tonnage tax or duty, if such vessel be licensed, registered or enrolled. R.S. 4220."

The tonnage tax is only one facet, and the fundamental principles upon which medical and hospital care for seamen and/or fishermen are based are far broader than this particular element. As has been so well stated in the testimony from the Department of Health, Education, and Welfare:

"The legislative history of this program suggests that the participation of the Federal Government in providing medical care to merchant seamen rests primarily on a national interest in assuring the effectiveness of the labor force required for an adequate American merchant marine. A self-employed owner who performs duties related to the care, preservation, or navigation of a documented vessel of the United States is, in effect, fulfilling the same purpose as the employed seamen on board the vessel. Since such persons are in fact applying their maritime skills, they are essentially adding to the maritime labor force."

We have reviewed the tonnage tax in our oral testimony only because it has been raised by other witnesses preceding us. I assume it has been raised to show that industry does pay such a tax and that the large segment of the maritime community which does so has interposed no objection to such reasonable limited expansion of the definition of "seamen" (42 U.S.C. 201(H)) as is necessary to accomplish the purposes of S. 367.

As to the additional information requested on tonnage taxes, the following is offered for the record.

First, the tonnage tax is computed on the basis of net tonnage. This is defined as follows:

"The net or register tonnage of a vessel is the remainder after deducting from the gross tonnage of the vessel the tonnage of crew spaces, master's accommoda-

tions, navigation spaces, allowance for propelling power, etc. It also is expressed in tons of 100 cubic feet."

Specific details as to what the tonnage tax actually is and how it is derived is best set forth, in pertinent part, in the official regulations of the Bureau of Customs, part 4, entitled "Vessels in Foreign and Domestic Trades," section 4.20 through 4.21 as follows:

4.20 *Tonnage taxes.*—(a) Except as specified in section 4.21, a regular tonnage tax or duty³⁶ of 2 cents per net ton, not to exceed in the aggregate 10 cents per net ton in any 1 year, shall be imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West Indies, the Bahama Islands, the Bermuda Islands, Newfoundland, or the coast of South America bordering on the Caribbean Sea (considered to include the mouth of the Orinoco River), and regular tonnage tax of 6 cents per net ton, not to exceed 30 cents per net ton per annum, shall be imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port. In determining the port of origin of a voyage to the United States and the rate of tonnage tax, the following shall be used as a guide: (1) When the vessel has proceeded in ballast from a port to which the 6-cent rate is applicable to a port to which the 2-cent rate applies and there was laden cargo or taken passengers, tonnage tax upon entry in the United States shall be assessed at the 2-cent rate. (2) The same rate shall be applied in a case in which the vessel has transported cargo or passengers from a 6-cent port to a 2-cent port when all such cargo or passengers have been unladen or discharged at the 2-cent port, without regard to whether the vessel thereafter has proceeded to the United States in ballast or with cargo or passengers laden or taken on board at the 2-cent port. (3) The 6-cent rate shall be applied when the vessel proceeds from a 2-cent port to a 6-cent port en route to the United States under circumstances similar to (1) or (2) above. (4) If the vessel arrives in the United States with cargo or passengers taken at two or more ports to which different rates are applicable, tonnage tax shall be collected at the higher rate.

(b) The tonnage year shall be computed from the date of the first entry of the vessel concerned, without regard to the rate of the payment made at that entry, and shall expire on the day preceding the corresponding date of the following year.³⁷

(c) A vessel shall also be subject on every entry from a foreign port or place, whether or not regular tonnage tax is payable on the particular entry, to the

³⁶ "Upon vessels which shall be entered in the United States from any foreign port or place there shall be paid duties as follows: On vessels built within the United States but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton; on other vessels not of the United States, at the rate of fifty cents per ton, and any vessel any officer of which shall not be a citizen of the United States shall pay a tax of fifty cents per ton.

"A tonnage duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, is imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or Newfoundland, and a duty of 6 cents per ton, not to exceed 30 cents per ton per annum, is imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port, not, however, to include vessels in distress or not engaged in trade.

"Upon every vessel not of the United States, which shall be entered in one district from another district, having on board goods, wares, or merchandise taken in any one district to be delivered in another district, duties shall be paid at the rate of 50 cents per ton: *Provided*, That no such duty shall be required where a vessel owned by citizens of the United States, but not a vessel of the United States, after entering an American port, shall before leaving the same, be registered as a vessel of the United States. On all foreign vessels which shall be entered in the United States from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of \$2 per ton, and none of the duties on tonnage above mentioned shall be levied on the vessels of any foreign nation if the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have been abolished. Any rights or privileges acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels shall not be impaired; and any vessel any officer of which shall not be a citizen of the United States shall pay a tax of 50 cents per ton." (46 U.S.C. 121.)

³⁷ There may be five payments at the maximum (6-cent) and five at the minimum (2-cent) rate during a tonnage year, so that the maximum assessment of tonnage duty may amount to 40 cents per net ton for the tonnage year of a vessel engaged in alternating trade.

payment of a special tonnage tax³⁸ and to the payment of light money³⁹ at the rates and under the circumstances specified in the following table:

| Classes of vessels | Rate per net ton | | |
|--|------------------|----------------------|----------------------|
| | Regular tax | Special tax | Light money |
| Vessels of the United States: | | | |
| 1. Under provisional register, without regard to citizenship of officers..... | \$0.02 or \$0.06 | | |
| 2. All others: | | | |
| (i) If all the officers are citizens..... | .02 or .06 | | |
| (ii) If any officer is not a citizen..... | .02 or .06 | ⁴⁰ \$0.50 | ⁴⁰ \$0.50 |
| Undocumented vessels which are owned by citizens ⁴¹ | .02 or .06 | .50 | ⁴² .50 |
| Vessels of Philippine registry, owned by citizens of the Philippine Islands..... | | | |
| Foreign vessels: | | | |
| 1. Of nations whose vessels are exempted from special tax or light money..... | .02 or .06 | | |
| 2. Entering from a foreign port or place where vessels of the United States are not ordinarily permitted to enter and trade..... | .02 or .06 | ⁴³ 2.00 | ⁴³ .50 |
| 3. All others: | | | |
| (i) Built in the United States..... | .02 or .06 | .30 | .50 |
| (ii) Not built in the United States..... | .02 or .06 | .50 | .50 |

(d) Tonnage tax shall be imposed upon a vessel even though she enters a port of the United States only for orders.

(e) The fact that a vessel passes through the Canal Zone does not affect the rate of tonnage tax otherwise applicable to the vessel.

(f) For the purpose of computing tonnage tax, the net tonnage of a vessel stated in the vessel's marine document shall be accepted unless (1) such statement is manifestly wrong, in which case the net tonnage shall be estimated, pending admeasurement of the vessel, or the tonnage reported for her by any recognized classification society may be accepted, or (2) an appendix is attached to the marine document showing a net tonnage ascertained under the so-called "British rules" or the rules of any foreign country which have been accepted as substantially in accord with the rules of the United States, in which case the tonnage so shown may be accepted and the date the appendix was issued shall be noted on the tonnage tax certificate, customs Form 1002, and on the master's oath, customs Form 3251.

(g) The decision of the Commissioner of Customs is final on any question of interpretation relating to the collection of tonnage tax or to the refund of such tax when collected erroneously or illegally, and any question of doubt shall be referred to him for instructions. (R.S. 4153, as amended, secs. 2, 4, 28 Stat. 743, as amended, R.S. 4154, as amended, 4219, as amended, 4225, as amended, 4131, as amended; 46 U.S.C. 77, 78, 79, 81, 121, 128, 221.)

³⁸ See footnote 36.

³⁹ "A duty of 50 cents per ton, to be denominated 'light money', shall be levied and collected on all vessels not of the United States which may enter the ports of the United States. Such light money shall be levied and collected in the same manner and under the same regulations as the tonnage duties: *Provided*, That no such duty shall be required where a vessel owned by citizens of the United States, but not a vessel of the United States, after entering an American port, shall, before leaving the same, be registered as a vessel of the United States." (46 U.S.C. 128.)

⁴⁰ This does not apply on the first arrival of a vessel in a port of the United States from a foreign or inter-coastal voyage if all the officers who are not citizens are below the grade of master and are filling vacancies which occurred on the voyage.

⁴¹ The special tax and light money do not apply if the vessel is documented as a vessel of the United States before leaving the port.

⁴² This does not apply if the vessel is under a certificate of protection and the owner or master files with the collector the oath required by 46 U.S.C. 129. An unrecorded bill of sale is not such a document as will exempt a vessel from the payment of light money under 46 U.S.C. 128, and the recording of such bill of sale after the arrival of the vessel is not sufficient to relieve it from the payment of the tax.

⁴³ This is to be collected on each entry of a vessel from such a port or place.

4.21 *Exemptions from tonnage taxes.*—(a) Tonnage taxes and light money shall be suspended in whole or in part whenever the President by proclamation shall so direct.

(b) A vessel shall not be liable to the payment of tonnage tax or light money merely because—

(1) It comes into port for bunkers (including water), sea stores, or ship's stores; transacts no other business in the port; and departs within 24 hours after its arrival.

(2) It arrives in distress, even though required to enter.

(3) It is brought into port by orders of United States naval authorities and transacts no business while in port other than the taking on of bunkers, sea stores, or ship's stores.

(4) It is a vessel of war or other vessel which is owned by, or under the complete control and management of the United States or the government of a foreign country, and which is not carrying passengers or merchandise in trade or, if in ballast, which is not arriving from a foreign port during the usual course of its employment as a vessel engaged in trade.

(5) It is a yacht or other pleasure vessel not carrying passengers or merchandise in trade.

(6) It is engaged exclusively in scientific activities.

(7) It is engaged exclusively in laying or repairing cables.

(8) It is engaged in whaling or other fisheries, even though it may have entered a foreign port for fuel or supplies, if it did not carry passengers or merchandise in trade.

(9) It is a passenger vessel making three trips or more a week between a port of the United States and a foreign port.

(10) It is used exclusively as a ferry boat, including a car ferry.

(11) It is a tug under frontier enrollment and license, when towing vessels which are required to make entry.

(12) It is a vessel under frontier enrollment and license which has touched at an intermediate foreign port or ports during a coastwise voyage.

(13) It enters otherwise than by sea from a foreign port at which tonnage or lighthouse dues or equivalent taxes are not imposed on vessels of the United States.⁴⁴

(14) It is owned by a citizen of the Philippine Islands and is documented by the Philippine Government.

(15) It is a vessel entering directly from the Virgin Islands (U.S.), the Canal Zone, American Samoa, the Ryukyu Islands, the islands of Guam, Wake, Midway, Canton, or Kingman Reef, or Guantanamo Bay Naval Station.

(16) It is a vessel making regular daily trips between any port of the United States and any port in Canada wholly upon interior waters not navigable to the ocean, except that such a vessel shall pay tonnage taxes upon her first arrival in each calendar year. (Sec. 441, 46 Stat. 712, as amended, R.S. 4214, as amended, 4219, as amended, 4220, 2793, as amended, 2792, as amended, 4221, 4225, as amended, 4226, sec. 1, 39 Stat. 286, 36 Stat. 234, R.S. 4227; 19 U.S.C. 1441, 46 U.S.C. 103, 121-125, 128-130, 132, 135.)

Senator BARTLETT. Thank you.

Mr. CLARK. I just have one other comment on the tonnage tax, if I may.

The law of 1905 created a direct appropriation for the support of the Public Health Service hospitals. I think it was about that time that the title was changed from the old "Marine Hospital," as we used to know it, and as you have it out there around Seattle, which I think also serves the State of Alaska. Because a direct appropriation was made for the entire year, it is sometimes assumed the tonnage tax doesn't go for this purpose any more. We find the contrary.

⁴⁴ "Vessels entering otherwise than by sea from a foreign port at which tonnage or lighthouse dues or other equivalent tax or taxes are not imposed on vessels of the United States shall be exempt from the tonnage duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year." (46 U.S.C. 132.) This statute applies to a vessel arriving in the United States on a voyage otherwise than by sea from a port in the province of Ontario, Canada, only.

We have had a legal opinion on this. There seemed to be considerable difficulty in continuity of fund because the shipping industry is an up-and-down business and they would never know whether the total amount of tonnage coming into the country each year and its resultant tax would sustain the needs of the hospital throughout the whole year, whereas next year it might be up and again it is down.

They underwrote a strong base by appropriating directly and then by having the tonnage tax channeled into miscellaneous receipts.

The people in our industry maintain that this serves in effect as an offset, and our support for that is the fact that after the act of 1905 was passed and put into effect, the Commissioner of Navigation, in the year 1906, and again in the year 1907, in his report to the Congress—this was the 60th Congress—used wording supporting this view.

So our conclusion is that the action of the Congress in adopting the act of March 3, 1905, was for the purpose of providing appropriate fiscal devices for the maintenance of the marine hospital service as nearly all other branches of the Public Health Service were similarly maintained, and that at least the Commissioner of Navigation recognizes that the act of June 26, 1884—may I pause there. That is the act that started the tax—was still in effect, so far as it signified the intent of the Congress to support the marine hospital service from tonnage receipts even though the special fund earmarked for the marine hospitals was eliminated by the act of March 3, 1905.

We believe only the earmarking was changed and tonnage taxes are still collected without change in amounts or purposes but go into miscellaneous receipts. We still pay it.

And so we hold that both industry—when I say “industry,” I mean both labor and management—are still contributing to this and we therefore have a keen interest in the definition of “seaman.”

Therefore, in coming before you we are anxious that we don't open the floodgates here, but we do not see that this legislation opens any floodgates, and therefore we support it.

Senator BARTLETT. Well, actually the Government, in this country at least, in modern times and more recent times, has been moving away, has it not, from the concept of earmarking or dedicating funds?

Mr. CLARK. I think it has.

Senator BARTLETT. This is just part of that?

Mr. CLARK. I am sure it is.

Senator BARTLETT. Am I correct in stating that today the tonnage tax is paid by the vessel owners, and seamen make no direct contributions—

Mr. CLARK. This is correct.

Senator BARTLETT (continuing). To payments which might result in providing medical service for them.

Mr. CLARK. Correct.

Senator BARTLETT. And this has been the case since the forepart of the century?

Mr. CLARK. This has been the case since 1884.

Senator BARTLETT. 1884, the latter part of another century then.
Mr. CLARK. That is right.

Senator BARTLETT. Thank you, Mr. Clark.

Now, there will be placed in the record a very massive array of documents, every last one which favors this legislation. A communication to start with, from the National Shrimp Congress, Inc.; another from the Fishermen's Cooperative Association of San Pedro; and the Columbia River Fishermen's Protective Union, Fishermen's Cooperative Association of Seattle, and the Humboldt Fishermen's Marketing Association, Inc., of Eureka, previously referred to by Congressman Clem Miller; and from the National Fisherman, a publication which is combined with the Maine Coast Fisherman; and a tremendous array of telegrams from the Humboldt Fishermen's Marketing Association, Inc.; Senate Resolution 54, in the Legislature of the State of Alaska, passed by the senate April 2, 1962, and containing the official seal of Alaska and transmitted to Chairman Magnuson by Secretary of State Hugh J. Wade; the Purse Seine Vessel Owners Marketing Association of Seattle.

There is a letter from Jim Downey, secretary-treasurer of the Bering Sea Fishermen's Union at Dillingham; Stikine Gillnetters Association of Wrangell, Alaska; Chamber of Commerce of Petersburg, Alaska; a resolution from Camp No. 6, Alaska Native Brotherhood, at Hydaburg, Alaska, signed by Victor Haldane; and another letter from Hydaburg signed by Sylvester Peele, Sr.; and a copy of the Alaska House of Representatives Resolution No. 6 passed by the Alaska House of Representatives, February 20, 1961.

Here is a letter from Bert Espeseth of Petersburg, Alaska; another one from Erling Espeseth, Petersburg; David B. Carlson of Dillingham, Alaska; the Association of Wives of Commercial Fishermen, Seattle.

Here is a wire to Chairman Magnuson from Storfold & Grondahl Packing Co. in Seattle, and a series of further communications all in favor of the bill. They will all be placed in the record. And also, the acting chairman didn't know he was going to be acting chairman, and so he too has a statement, an eloquent and detailed statement favoring this legislation. That will be placed in the record also.

Also for the record 12 communications to Congressman Clem Miller.

Then we have, to be placed in the record, a resolution of the Brownsville Shrimp Producers Association in support of S. 367. This was submitted by Senator Ralph Yarborough.

(The above-mentioned material follows:)

NATIONAL SHRIMP CONGRESS, INC.,
Tallahassee, Fla., April 12, 1962.

Re S. 367.

HON. WARREN G. MAGNUSON,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: This will acknowledge your letter of April 3, 1962, and the news release from the Committee on Commerce concerning S. 367.

The domestic shrimp fisheries will strongly support this bill. There is a meeting of the board of directors of this organization scheduled to be held in New Orleans on April 29, 1962. I have prepared a resolution to be adopted at that time and forwarded to the committee for the record.

I am unable to be in Washington on May 2, 1962, because of a conflicting engagement, however, I will have a statement on behalf of the National Shrimp Congress in the hands of the committee prior to April 27, 1962.

The National Shrimp Congress is most appreciative of your continuing and outstanding support of American fisheries.

Very sincerely yours,

WILLIAM R. NEBLETT,
Executive Director.

STATEMENT ON BEHALF OF THE NATIONAL SHRIMP CONGRESS, INC., RE S. 367

Mr. Chairman and members of the committee, my name is William R. Neblett. I am the executive director of the National Shrimp Congress, Inc., a trade association representing the domestic shrimp producers in the Gulf and South Atlantic States. The directors of the National Shrimp Congress are officers or directors of the Texas Shrimp Association, the Louisiana Shrimp Association, and Southeastern Fisheries Association.

The domestic shrimp industry strongly supports S. 367.

During the past 12 years the shrimp fishery has been the No. 1 domestic fishery in dollar value of product landed. It is an important and valuable economic asset to the Gulf States of Texas, Louisiana, Mississippi, Alabama, Florida; to the South Atlantic States of North and South Carolina, Georgia; to the Northwest States of Washington and Oregon, and its most rapid growth is taking place in Alaska, where shrimp resources are vast.

The shrimp fishery has many problems, some domestic and some international in scope. The American shrimp fisherman is a venturesome type. When the resource is not readily available close to his home port he may engage in distant fishing near other American ports or in international waters near other nations.

There are a number of stocks of shrimp in the Gulf of Mexico and South Atlantic, each stock having its own season of productivity. The effective period for harvesting may last from 3 to 5 months in a particular area. To utilize his vessel properly the fisherman follows the shrimp. Many of the shrimp boats from Georgia and the Carolinas will congregate at Key West and Fort Myers, Fla., during the winter months to fish the pink shrimp in the Tortugas area. Florida boats will sail to Texas in June for the white and brown shrimp found there in the late summer and fall. Larger vessels sail from American ports to trawl in international waters in the Campeche Gulf off Mexico. Of the 7,000 or more trawlers engaged in shrimp fishing about 4,500 are of over 5 tons, classified as "vessels" rather than as "boats." These vessels, designed and built especially for shrimp trawling, are generally from 55 to 80 feet long and are capable of staying at sea from 2 to 6 weeks.

Unlike many other fisheries there are very few shrimp trawlers owned by processors of the product. The shrimp market is a buy and sell affair between the producer-fisherman and the utilizers of the product. Therefore, the shrimp vessel owner is an entrepreneur, a taker of risks, an individual small businessman. He must find his own financing, pay his own insurance, do his own fishing, keep his vessel profitably engaged in fishing by sailing to where the shrimp are. He must pay for the vessel's repairs, its ice and fuel. He must assume the risks of storms and of poor seasons. He is the victim of unrestricted imports from more than 50 nations (shrimp are not dutiable) and is further the victim of administration policy which subsidizes many foreign shrimp fisheries through point 4 and other benevolent programs. His vessel is subject to seizure and fine not covered by insurance if he lucklessly ventures to close to foreign shores, or if the authorities of those "friendly" nations desire to make current issues of the American fishing pirates. He is about the most unprotected businessman you can find in any domestic industry and yet he deals in a vital food product.

For some time various States have insisted that shrimp fishermen come under their workmen's compensation laws and deductions were required from the share of the catch which is the fishermen's only compensation. That this was legally incorrect was recently established in Federal court. This decision righted another wrong, for some of the very States which were collecting for compensation could not find a way to pay benefits. The point here is that they are not entitled to medical or unemployment benefits under State laws. Only the Federal Government can help.

There is a very real hiatus in Federal laws pertaining to fishermen. In some legislation they have been classified as seamen. Some laws applied to fishermen incidentally as the Congress moved to protect our merchant marine. The Public Health Service was confronted with obscure laws which seemed to deny hospitalization in many worthy cases, and, if left to local interpretation could result in admission of an injured man in one area and denial of hospitalization in another under identical circumstances.

There are a few fleets of shrimp vessels owned by producing companies, but a great many trawlers are individually owned or are fished in loose confederation by families who pool their resources. There are also heads of families who were once their own masters but through illness or injury are unable now to stand the rigors and backbreaking work of shrimp fishing, and yet rely on the small earnings of their vessels for a livelihood, employing a master. There are widows of the sea whose entire estate is one boat and who must rely on a master and crewmen for their livelihood.

Traditional admiralty law makes the owner of a vessel responsible for the incapacity of a member of the crew through the doctrine of maintenance and cure. In the days of clipper ships it was just that a sick or injured seaman who had signed for the voyage to China should not be left stranded and penniless in a foreign port. Seamen are wards of admiralty, and the laws which reformed our merchant marine practices were predicated generally on the basis of capital versus labor. Shipbuilding and shipowning were enterprises requiring a large investment. The Congress was, and is, the protector of the seaman. It is also the subsidizer of American shipping. The delicate balances which the Congress has weighed to do justice to both sides constitute one of the brightest pages in our history.

This same Congress has moved with the times to come to the aid of the small businessman. The enterprise, energy, and individuality of the small businessman is needed for a healthy America. The owner-operator of a shrimp trawler is a rugged and independent citizen, contributing his toil to the economy of his State and Nation and standing tall in his home community as a person of spirit and aggressiveness.

The master of a shrimp trawler owned by another is not the master contemplated in the laws which have evolved primarily because of our merchant marine. The total complement of a shrimp trawler is two, or at most three men. They share the duties of navigation, of cooking, of manning the winch, of mending the nets. Some times the master may have a slightly higher percentage of the fishing lay; often the crew's share is split equally. A man may sail as master on one trip and as the striker or crewman on the next. Customs regulations require that the ship's documents show a master; in this regard the registration of a master may be perfunctory. In some instances a master is willing to fish from one port but not to travel to another, so that a new master is required for the vessel. This is in sharp contrast to the blue-uniformed four-striper captain of an ocean liner. It is closer to the waterfront concept which accords the courtesy title of "Cap'n" to each owner of a rowboat.

The point is that the so-called master of a shrimp trawler does not essentially differ from other members of the crew, as a matter of fact. To treat him otherwise for the purpose of medical benefits under the law simply reflects that the law has not yet caught up with the facts.

Owner-operators who are the permanent masters of their own vessels are small businessmen running a small enterprise with all of the sweat, toil, and risk attendant thereto. If they are injured or sick the family income is immediately decreased by the share of the catch which would normally accrue to the operator. A temporary master must be found to keep the vessel operating because bills must be paid; mortgage, insurance, railwaying, and other fixed expenses which go on whether the vessel is operational or not. At this extremely critical moment medical and hospital bills are added to the unfortunate lot of the owner-operator unless he can be covered by Federal law.

Here the objective of S. 367 is best realized, by treating the owner-operator as entitled to medical care. This is just and equitable, and should become the law of the land. If the fishing industry ever achieved unanimity in endorsing proposed legislation, this is the bill for which the committee will not find a single dissenting vote in the domestic shrimp industry.

We urge the passage of S. 367 and highly commend its sponsors.

FISHERMEN'S COOPERATIVE ASSOCIATION OF SAN PEDRO,
San Pedro, Calif., April 30, 1962.

SENATOR WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: Enclosed please find sufficient copies of the statement I was prepared to make before the Subcommittee on Merchant Marine and Fisheries on May 2, 1962 in support of S. 367.

Certain matters as of this date have arisen whereby my presence before the committee seems impossible.

I would appreciate that said enclosed statement be made part of the record as this legislation is very important to our members as well as other working-vessel operators all over the country.

Please excuse my absence and I will do all in my power to attempt to be in attendance on Wednesday.

Thank you for your courtesies in this matter.

Respectfully submitted.

ANTHONY NIZETICH,
General Manager.

STATEMENT OF FISHERMEN'S COOPERATIVE ASSOCIATION CONCERNING S. 367

Mr. Chairman and members of the committee, my name is Anthony Nizetich. I am general manger of the Fishermen's Cooperative Association of San Pedro, Berth 73, San Pedro, Calif. Our association consists of approximately 75 purse seine fishing vessels engaged in fishing operations off the coast of California, Mexico, and Central America. Our vessel members fish primarily for tuna, sardines, and mackerel.

I am here to testify in favor of S. 367.

To restore medical care benefits under the Public Health Service Act to owner-operators of fishing vessels and other self-employed seamen would remove inequities that have deterred the expansion of our fishing fleet. Medical aid to owner-operators of fishing vessels may seem insignificant in the overall picture, however, our fleet has paid for medical care for our members as high as \$27 per month per man. The hazards of our industry warrant some type of medical assistance, and in view of the high costs of maintaining their own personal coverage, prospective fishermen-owners are discouraged from entering the field of fishing.

We have sought coverage for our corporate boatowners under the interpretation of this law. Local public health service offices have refused us care and through no stretch of the imagination is a corporate stockholder of any business considered an owner of said business. The passage of this legislation will clarify this interpretation and give assistance to corporate owners and non-corporate owners alike.

To be discriminatory of persons investing their money and property in an industry so vital to our economy and national defense is working against the best interests of our country and basic American principals. We, as boatowners, have contributed our lives and our property in time of war. To clarify the present inequities of the law would tend to compensate in some small way these men who unselfishly attempt to do their small part in time of national emergencies.

The California Fish Cannery Association Inc.; Fishermen's Union, Local 33, ILWU; Seine and Line Fishermen's Union, AFL-CIO and San Pedro Independent Fishermen's Union are all in favor of said legislation and wish their names be made part of the record as being in support of this legislation.

We trust this statement will be made part of the record in support of the passage of S. 367.

COLUMBIA RIVER FISHERMEN'S PROTECTIVE UNION,
Astoria, Oreg. April 5, 1962.

HON. WARREN G. MAGNUSON,
Senator from Washington,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: In regard to Senate bill 367, relating to provision of medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel, the Columbia River Fishermen's Protective Union is indeed happy to see this type of bill up for congressional action.

Our gillnet fishermen, like all other commercial boat operators, need a fair provision for medical care—a provision they have never yet had and cannot avail themselves of under the limiting circumstances of their small and widely scattered personal operations. The administrative difficulties of any medical care plan under private sponsorship for such a coverage is obviously too costly because no one private concern can successfully plan to cover the whole field because of competition.

To cover the widely scattered commercial fishermen efficiently at the lowest possible administrative cost obviously requires the broad offices and application of a Federal program.

The Columbia River Fishermen's Protective Union heartily endorses the provisions of Senate bill 367 in hopes that our fishermen, too, can someday feel that we are also an appreciated segment of the American working mariners. We have been and always are, ready to back our Government fully in any emergency.

Respectfully submitted.

WM. WESTERHOLM, *Executive Secretary.*

COLUMBIA RIVER FISHERMEN'S PROTECTIVE UNION,
Astoria, Oreg. April 12, 1962.

HON. WARREN G. MAGNUSON,
Senator from Washington,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Although we sent our statement to you on April 5, 1962, we are now sending the five statements as I will be unable to appear at the hearing.

Sincerely,

WM. WESTERHOLM, *Executive Secretary.*

STATEMENT OF COLUMBIA RIVER FISHERMEN'S PROTECTIVE UNION ON SENATE BILL 367, BY WILLIAM WESTERHOLM, EXECUTIVE SECRETARY

In regard to Senate bill 367, relating to provision of medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel, the Columbia River Fishermen's Protective Union is indeed happy to see this type of bill up for congressional action.

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HUMBOLDT FISHERMEN'S MARKETING ASSOCIATION, INC.,
Eureka, Calif., April 25, 1962.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR: Enclosed is a list of our members that are sending telegrams to you supporting S. 367 and H.R. 2262 for your hearing May 2.

Also is 25 copies of a letter you may check out and if suitable material for use also at the hearing. I am not too good at putting anything on paper but maybe your committee will get the message.

Also enclosed is a copy of an impact survey of the commercial fishing industry in Eureka, Calif. This is for your personal information.

Sincerely yours,

W. O. RILEY.

LIST OF MEMBERS SENDING TELEGRAMS SUPPORTING S. 367 AND H.R. 2262

- Werner, Ahl, 2833 California Street, Eureka.
- Alf Anderson, 2505 Donna Drive, Eureka.
- Louie Barnes, Post Office Box 81, Trinidad, Calif.
- James N. Blum, 6107 Princeton Drive, Eureka.
- Walter T. Cramer, 3569 Spring Street, Eureka.
- H. N. Christensen, 2265 Stanford Drive, Eureka.
- Wallace H. Close, Post Office Box 15, Rio Dell, Calif.
- George Collins, Post Office Box 55, Trinidad, Calif.
- Edward Costa, Post Office Box 268, Trinidad, Calif.
- Benny A. Dettinger, 3470 18th Street, Eureka.
- Karl Engberg, 3422 Pine Street, Eureka.
- Darrel Furber, 1553 A Street, Arcata, Calif.
- Walt Ghera, 7185 Humboldt Hill Road, Eureka.
- Don Ghera, 2301 Third Street, Eureka.
- Joe Gonsalves, 2503 California Street, Eureka.
- Emerson Grey, 3904 Cedar Street, Eureka.
- Chester L. Hall, 1144 Vernon Street, Eureka.
- Robert Hamblock, Route 1, Box 263, Arcata, Calif.
- Heakon A. Hanson, 3215 Q Street, Eureka.
- Mike Hansen, 1715 Second Street, Eureka.
- Harry A. Howard, 2205 Second Street, Eureka.
- L. R. Karnowsky, Post Office Box 277, Cuttin, Calif.
- George W. Korkan, Trinidad, Calif.
- Otto H. Kraasch, Post Office Box 45, Trinidad, Calif.
- Milton Lovdahl, 3239 K Street, Eureka.
- Richard Reeves, 1907 Everding Street, Eureka.
- Fred Shipman, 1488 Santa Clara Street, Eureka.
- Elmer Steeves, 1766 McKinley Avenue, Arcata, Calif.
- Harold L. Stewart, 2236 California Street, Eureka.
- Henry Tervo, 1106 L Street, Eureka.



Humboldt Bay seafood industry for calendar year 1960

Fish delivered in pounds round :

| | |
|---------------------------------|-------------|
| Bottom fish from dragboats----- | 21,000,000 |
| Salmon----- | 2,500,000 |
| Crabs----- | 9,750,000 |
| Albacore (tuna)----- | 3,500,000 |
| Oysters (in shell)----- | 1,175,000 |
| Shrimp----- | 1,350,000 |
| | |
| Total poundage----- | 38,775,000 |
| | |
| Value----- | \$3,410,000 |

Boats :

| | |
|---|-----|
| Dragboats----- | 20 |
| Salmon, crab, tuna, and shrimp boats (local)----- | 114 |
| | |
| Total boats----- | 134 |

Annual gross sales seafood (wholesale)----- \$11,960,000

| | Plants | Boats | Total |
|--|-------------|-------------|-------------|
| Gross payroll----- | \$1,475,000 | \$2,230,000 | \$3,705,000 |
| Employees (to be considered as year around)----- | 645 | 316 | 961 |
| Capital investment----- | \$1,875,000 | \$2,472,000 | \$4,347,000 |
| Operating expenses, local----- | \$540,000 | \$1,103,000 | \$1,643,000 |

NATIONAL FISHERMAN,
Boston, Mass., April 6, 1962.

Re S. 367.

Senator WARREN G. MAGNUSON,
Subcommittee on Merchant Marine and Fisheries.

DEAR SENATOR MAGNUSON: The inshore fisheries of the Atlantic seaboard are mainly operated as small craft by owners and families as part owners. They are not included in the unions, are too thinly scattered to form effective cooperatives. Many of them, and more especially their dependents, dread either becoming a public charge on their local welfare or wheedling an advance from the buyers in the event of an accident requiring medical care.

This bill, restoring medical care benefits under the Public Health Service Act, previously available but since 1954 excluding owners and part owners will have a salutary effect upon our hard pressed inshore fisheries. In addition it may also work to the benefit of the better organized public liability and indemnity insurance. This single item not only inhibits the building of new fishing vessels but also delays retirement of older and less efficient craft.

Unfortunately this widely scattered branch of the fisheries has not been accurately analyzed to yield figures in support of these contentions—a recent study on one of our boats shows some such boats, between layups of boats and man layups yielding their part owner-hand as little as \$1,100 a year. Some of my neighbors using lifetime savings and experience cannot make over \$50 a week. We agree with you and Senator Bartlett that an administrative ruling against a man working with his own money is out of tune with America's needs at this time; it should be reversed.

We agree this bill will contribute effectively toward rehabilitation of a struggling and seldom considered part of our fisheries. We hope for its passage.

Sincerely,

TOM V. BINMORE, *Shellfish Technician.*

STATE OF ALASKA,
Juneau, April 25, 1962.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR SENATOR MAGNUSON: At the request of the Senate of the State of Alaska, I have the honor of transmitting to you a certified copy of Senate Resolution No. 54, relating to the restoration of medical care to owner-operators of fishing vessels and self-employed seamen under Federal law.

Sincerely yours,

HUGH J. WADE,
Secretary of State.

[In the Senate, by the Federal Relations Committee]

SENATE RESOLUTION No. 54

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE—SECOND SESSION

Relating to the restoration of medical care to owner-operators of fishing vessels and self-employed seamen under Federal law.

Be it resolved by the senate in second legislature, second session assembled:

Whereas public hearings have been scheduled by the Committee on Commerce of the U.S. Senate on S. 367, a bill to restore medical benefits to owner-operators of fishing vessels and other self-employed seamen; and

Whereas the bill seeks to restore medical benefits to working owners and working part-owners of vessels who number from 6,000 to 11,000 men who have been deprived by an administrative ruling from medical care in Public Health Service hospitals and other facilities since 1954; and

Whereas it is only equitable that medical benefits be restored to this segment of the maritime force in recognition of the vital role they play in the Nation's oldest industry: Be it

Resolved by the senate in second legislature, second session assembled, That the passage of S. 367 is supported by the State of Alaska in the interests of equity to those formerly covered but now excluded from medical care benefits and as a forward step toward a revival of the Nation's maritime industry; and be it further

Resolved, That copies of this resolution be sent to the Honorable Warren G. Magnuson, chairman, Committee on Commerce, U.S. Senate, and the members of the Alaska delegation in Congress.

Passed by the senate April 2, 1962.

Attest :

FRANK PERATROVICH,
President of the Senate.

EVELYN K. STEVENSON,
Secretary of the Senate.

Certified true, full and correct.

[SEAL]

EVELYN K. STEVENSON,
Secretary of the Senate.

PURSE SEINE VESSEL OWNERS MARKETING ASSOCIATION,
Seattle, Wash., January 29, 1962.

HON. WARREN G. MAGNUSON,
Washington, D.C.

DEAR SENATOR MAGNUSON: We have previously written to you regarding your support in Senate bill 367 pertaining to medical care of vessel owners.

We understand that as yet this bill has not become active, and we would appreciate your fullest support in doing all that you can for all of the boatowners in our State.

If you have any suggestions that our association can do in getting Senate bill 367 passed, we would appreciate your worthy advice.

Very truly yours,

W. G. SALETTIC.

PURSE SEINE VESSEL OWNERS MARKETING ASSOCIATION,
Seattle, Wash., May 2, 1962.

HON. WARREN G. MAGNUSON,
*Chairman, Interstate and Foreign Commerce Committee,
Washington, D.C.*

DEAR CHAIRMAN AND COMMITTEE MEMBERS: As you and your committee are probably well aware, our group has been constantly urging passage of a bill which would afford medical coverage for vessel owners.

Now that Senate bill 367 has been written, and would adequately provide medical benefits for the members of our organization, we earnestly endorse this bill, and would appreciate your cooperation in its passage.

Very truly yours,

W. G. SALETTIC.

BERING SEA FISHERMEN'S UNION,
Dillingham, Alaska, April 2, 1962.

HON. E. L. (BOB) BARTLETT,
*Senator for Alaska,
U.S. Senate Building,
Washington, D.C.*

DEAR BOB: Our members here endorse and urge passage of bill (S. 367) to restore medical care to seamen, fishermen, tendermen, deckhands, etc., as they were covered previously.

Also where the U.S. Public Health Service has jurisdiction over Alaska native service hospitals, we believe that such hospital service be available to any and all injured or sick seamen or fishermen.

Besides the tonnage tax, if I recall correctly, in the twenties, each time a seaman paid off before the shipping port's shipping commissioner, a charge of 50

cents was deducted when he was given his discharge, for U.S. Public Health services.

Trusting that this service will be reinstated by passage of bill (S. 367).

With best wishes,

Yours sincerely,

JIM DOWNEY, *Secretary-Treasurer.*

STIKINE GILLNETTERS ASSOCIATION,
Wrangell, Alaska, April 8, 1962.

Senator E. L. BARTLETT,
Washington, D.C.

DEAR SIR: Due to the hazardous nature of employment involved in the fishing trade with no protection pertaining to medical care, we fully endorse your move in regard to bill S. 367. We feel that restoring medical care benefits under Public Health Service Act to owners and operators of fishing vessels and other self-employed seamen would contribute considerably to restoring a vital role in our Nation's economy as well as defense. If bill (S. 367) is enacted it would also be of great value to the Nation's "fishing industry."

Yours truly,

GILBERT GUNDERSON, *Secretary.*

CHAMBER OF COMMERCE,
Petersburg, Alaska, April 11, 1962.

Re S. 367.

HON. E. L. BARTLETT.
HON. ERNEST GRUENING.
HON. RALPH J. RIVERS.

DEAR FELLOW ALASKANS: Our members respectfully urge your support of the above bill, S. 367, which we understand will reestablish medical care for owner-skipper of fishing boats.

Thank you for your support of this measure.

Sincerely,

LARS EIDE, *President.*
By BERNICE STOKKE, *Secretary.*

RESOLUTION ON HOSPITALIZATION FOR CAPTAINS

Whereas the captains of a marine vessel contribute to customs in monetary standards, to meet all requirements of customs; and

Whereas most captains in the State of Alaska are sole owners of said vessels, and in commercial ventures do not fair to a great extent better than seamen who are employed by said captains, so are hard pressed when said captains incur sickness or an accident: Therefore be it

Resolved by the Hydaburg Camp No. 6 of the Alaska Native Brotherhood assembled at a regular meeting, Urge the Health and Welfare Department at their scheduled hearing on the bill pertaining to hospitalization of captains, that said bill be given favorable passage and that captains be given the same consideration and privileges for hospitalization as seamen.

CAMP No. 6, ALASKA NATIVE BROTHERHOOD,
VICTOR HALDANE, *Secretary.*

HYDABURG, ALASKA.

HYDABURG, ALASKA, April 25, 1962.

Senator E. L. BARTLETT,
Senate Office, Washington, D.C.

DEAR SENATOR BARTLETT: Thank you for your letter of March 26, sorry I didn't answer sooner. I told many of our people here in our village of the bill (S. 367), and I believe our local ANB (Alaska Native Brotherhood) wrote and endorsed a resolution in favor of this bill. I hope their resolution will get to you in time for the hearing.

I wholeheartedly support the bill (S. 367). I sincerely hope that it will pass and become effective soon, as a boatowner myself up until 1958 I know that owner-operators of fishing vessels definitely need medical care benefits.

Thank you and Senator Magnuson for sponsoring this much-needed bill. It sure will be beneficial to all owner-operators of fishing vessels.

Am still plugging for a boat for fish packer.

Sincerely yours,

SYLVESTER PEELE, Sr.

[In the House, by Messrs. Hansen, Ditman, Jarvela, and Deveau]

HOUSE RESOLUTION No. 6

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE—FIRST SESSION

Relating to medical care for owner-operators of fishing vessels

Be it resolved by the house in second legislature, first session assembled: Whereas there has been a longstanding need for Federal legislation providing medical care for owner-operators of fishing vessels who are engaged on board in the care, preservation, or navigation of such vessels; and

Whereas Senator Warren G. Magnuson of the State of Washington and Senator E. L. Bartlett, of Alaska, along with Representative Ralph J. Rivers, of Alaska, have introduced identical bills on this subject in both Houses of Congress: Be it

Resolved by the house of representatives in the second legislature, first session assembled, That Senators Warren G. Magnuson and E. L. Bartlett and Representative Ralph J. Rivers are complimented on their introduction of this vital legislation and assured of the support of the people of Alaska in their effort to have the legislation approved by the 87th Congress; and be it further

Resolved, That copies of this resolution be sent to the sponsors of the medical care legislation and the chairmen of the Committees on Foreign and Interstate Commerce of the House and Senate of the Congress of the United States.

Passed by the house February 20, 1961.

WARREN A. TAYLOR,
Speaker of the House.

Attest:

ESTHER REED,
Chief Clerk of the House.

Certified true, full, and correct.

ESTHER REED,
Chief Clerk of the House.

PETERSBURG, ALASKA.

Senator BOB BARTLETT,
U.S. Senate,
Washington, D.C.:

I have been a fisherman, fishing halibut, in the Petersburg area for many years. I am part owner of the boat *Bravo* and fish her as part of the crew. I am very much in favor of the legislation restoring the marine hospital benefit to the owners-operators as it was originally set forth in the law.

I urge you to support S. 367, the bill on marine hospital service.

Very truly yours,

BERT ESPESETH.

PETERSBURG, ALASKA.

Senator BOB BARTLETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BARTLETT: I have been a fisherman, fishing halibut, for many years in the Petersburg area. I own the boat *Bravo* and fish her as a part owner. I am very much in favor of the legislation restoring the marine hospital benefit to the owner-operators as it was originally set forth in the law.

I urge you to support S. 367, the bill on marine hospital service.

Very truly yours,

ERLING ESPESETH.

DILLINGHAM, ALASKA, *April 19, 1962.*

Senator E. L. BARTLETT,
U.S. Senate, Washington, D.C.

DEAR BOB: I would like to submit the following to be entered in the record of the hearings on S. 367:

Ever since arriving in Alaska 26 years ago I have been associated with the fishing industry in one way or another. In earlier years I was a commercial salmon fisherman, and for the past 15 years I have been president of the Fishermen's Co-Op Trading Co., Inc., at Dillingham, Alaska. This is a retail general merchandise store which aims to carry a full line of groceries, clothing, hardware, and everything else ordinarily required to maintain a good standard of living.

Our stockholders consist almost entirely of active or retired fishermen, and our business, as well as the other businesses here in Dillingham which are privately owned, depends almost exclusively on the level of prosperity which prevails in the fishing industry. Since fishing is a seasonal industry it has become the custom for establishments such as ours to extend credit for necessities and wait for payment until the salmon fishing season is over.

Since fishing is an occupation attended with some hazard, there are some people every year who are the victims of accidents. When this happens it is a serious hardship not only to the injured people and their families but to suppliers like us. When a family's earning power is cut off because of injury and they are unable to pay their bills, we try to carry them on our books and help them along as much as possible, but it is plain to see neither we nor any other store can keep on doing this indefinitely. We have to pay our bills in order to renew our stocks; otherwise we are soon out of business, and our humanitarian instincts to help those in distress are of no avail.

We have had several instances here where people have exhausted all their resources seeking treatment for injuries sustained while fishing. Not many of these people are able to pay the premiums for insurance covering such accidents, and for that reason I believe the medical care benefits under the Public Health Service Act should be restored.

Respectfully submitted,

DAVID B. CARLSON.

ASSOCIATION OF WIVES OF COMMERCIAL FISHERMEN,
Seattle, Wash., April 22, 1962.

Hon. E. L. BARTLETT,
Senator from Alaska,
U.S. Senate, Washington, D.C.

DEAR BOB: This refers to my correspondence with you relative to S. 367.

I met with the board of directors of the Association of Wives of Commercial Fishermen on April 20 to discuss their views in lending support to Senate bill 367. They authorized me to make the following statements to be submitted to the subcommittee at the hearing on May 2.

We believe that when the rules and regulations relative to the marine hospitalization for seamen were changed in 1954 and working boatowners were deleted from the list of those eligible for the service, the regulations was not intended to exclude seamen working on their own boats.

We believe that the marine hospital is operated by the U.S. Government to give medical aid and assistance to all working seamen.

We believe that it is unjust for those working side by side not to be accorded the same privilege by the U.S. Government. A working boatowner is a seaman in the same category as those he employs.

We believe the layman does not recognize the value of the fisherman to the Nation. Our husbands who own their own boats produce a valuable protein food under adverse circumstances. We are forced to compete with foreign competition. We pay exorbitant insurance rates to protect our investments. We pay unusually high prices for boat repair and boat equipment.

To make a living on the Pacific coast our husbands are required to fish long hours under hazardous conditions from Alaska to Mexico.

Our husbands serve the citizens of the United States, as do all seamen, by keeping a watchful eye on our territorial waters by reporting to the Coast Guard any unusual observations they detect while at sea.

We pray that the Senators and House Members of the U.S. Government take time to review the unjust treatment working boatowners have suffered from

the regulation of the Public Health Service Act (42 U.S.C. 201(h)) of 1954 and restore them, as seamen, to their historical position—that of seamen entitled to marine hospitalization.

Sincerely,

MYRTH B. SARVELA,
Member, Sitka, Alaska.

ASSOCIATION OF WIVES OF COMMERCIAL FISHERMEN,
Seattle, Wash., April 13, 1962.

HON. WARREN G. MAGNUSON,
*Senator from Washington,
U.S. Senate, Washington, D.C.*

DEAR SENATOR: It has been suggested to me by a Washington State senator that a member of the Association of Wives of Commercial Fishermen should go back to testify at the hearing on S. 367 on May 2.

Mrs. Johnson, president of the Halibut Fishermen's Wives organization and I met and talked the matter over and decided between us that Mrs. Myrth Sarvela, if obtainable, is the wife with the most fisheries experience and could ably represent our cause. Mrs. Sarvela feels that S. 367 will have little trouble in passing the Senate but the real test will come when we try to get the measure through the House. She is willing to go as our representative to the hearing on May 2, if her support there will add any strength to the hearing. She does not want to waste our money or her time unless she can be of help.

She has written her Senator, E. L. Bartlett, for his candid opinion on this matter. Will you please check with Senator Bartlett on this matter at once and advise me whether or not we should save our money for the fight in the House or send a representative to the May hearing?

We appreciate your interest in the fishermen's affairs and we want to thank you for all you have done to create interest in S. 367.

Yours sincerely,

Mrs. THOMAS WARREN, *President.*

SEATTLE, WASH., *March 21, 1962.*

MY DEAR SENATOR MAGNUSON: Thanking you for the nice letter of March 15 with the good news: a hearing date has been set for S. 367.

Senator Magnuson, I would like to explain our efforts in supporting this bill, the most important bill we have had as aid for our fishermen. Heretofore it has been dams; pollution; imports; less fish; more competition; higher cost—and a struggle.

Our association has made a careful survey by communicating with all the State directors of the fisheries division on all the coast States, including Alaska and Hawaii, or groups to assist us in supporting S. 367.

This very interesting survey shows that we have support from all groups, large and small. We had 1,500 copies made of the resolution supporting S. 367, that Senator John Papajani of our own State drew up, and it was endorsed last year. Copies of this resolution have been mailed to all the groups we have contacted—all coast States.

Your much appreciated letter of March 15, that a hearing date was set—time and place—was all we were waiting to hear. It was very encouraging and most valuable to us. Without your permission we have made 100 reprints of your letter, and our staff wrote and mailed a copy of your letter to all these groups in the coast States and Alaska and Hawaii.

We earnestly express our thanks for your efforts in assisting us to support S. 367.

Please keep me informed as to what we should or can do before or after the meeting of the subcommittee May 2.

Sincerely yours,

Mrs. THOS. WARREN.

ASSOCIATION OF WIVES OF COMMERCIAL FISHERMEN,
Seattle, Wash., February 4, 1962.

Senator WARREN G. MAGNUSON,
*U.S. Senate,
 Washington, D.C.*

MY DEAR SENATOR MAGNUSON: Again our members are pressing for passage of your bill, S. 367, medical care returned to fishing boat owners. Our association is in complete accord with our Washington State senator's, Senator John Papajani, resolution to this measure.

We are in a position to work in conjunction with other similar organizations up and down the west coast and would appreciate an immediate reply as to the action now being taken.

When should we apply our letterwriting forces? We are very determined women on this measure and I know we have your wholehearted support.

Sincerely,

MRS. STAN E. PEDERSEN,
Corresponding Secretary.

ASSOCIATION OF WIVES OF COMMERCIAL FISHERMEN,
Seattle, Wash., March 21, 1962.

DEAR SENATOR MAGNUSON: We thank you for your letter informing us of the hearing date on S. 367.

We have stepped up our letterwriting accordingly. Please let us know of any further activities we could render after the hearing May 2.

Our sincere thanks to you for your efforts on this bill, S. 367, and for the many that have benefited the fisherman in the past.

Sincerely,

MRS. HOWARD AAKER,
Legislative Chairman.

SEATTLE, WASH., *April 30, 1962.*

Senator WARREN G. MAGNUSON,
Washington, D.C.:

We very strongly recommend the passage of your bill, S. 367. Many segments of the fishing industry will benefit by its passage.

Sincerely,

STORFOLD & GRONDAHL PACKING Co.,
 SUB MCCARTNEY, *President.*

STATEMENT OF SENATOR E. L. "BOB" BARTLETT IN SUPPORT OF S. 367

Mr. Chairman, I appreciate this opportunity to testify in support of S. 367, a bill to provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel.

This bill, introduced by Senator Magnuson and cosponsored by me, would restore to owner-operators of fishing vessels and to other self-employed seamen medical care benefits under the Public Health Service Act which were denied by a Public Health Service ruling in 1954.

I welcome this hearing, Mr. Chairman, as an opportunity to clear up confusion, to correct injustices and to reaffirm and clarify congressional intent that the proper coverage of the medical care benefits for seamen provided in the Public Health Service Act shall extend to the owner-operators of fishing vessels.

The principle of providing hospital care for seamen has stood the test of time. For 164 years—since 1798 when this principle was first put into effect—our seamen have played a vital role in manning the ships which constitute a crucial element of our national defense. I believe, however, that among the effects of the 1954 ruling by the Public Health Service there are certain departures from this historic principle. I consider the denial of medical care benefits to owner-operators of fishing vessels to be such a departure. Recently, I was happy to note renewed support for our tradition of providing hospital care for seamen.

President Kennedy, himself, in the February 27, 1962, message on the health program, committed his administration to following and to strengthening our 164-year tradition of providing such hospital care. In his discussion of health goals, the President stated:

"The struggle for improved health is never ending. While we are pressing new attacks in sectors of past neglect and present urgency, we must continue to advance along the entire front."

And, in the section of the message especially devoted to "health of merchant seamen" the President stated:

"Health of merchant seamen.—Over the past several years funds for the operation of the Public Health Service hospitals have been substantially increased to improve the quality of medical care for merchant seamen and other beneficiaries. A start has also been made on enabling these hospitals to conduct medical research. I have directed the Secretary of Health, Education, and Welfare to develop a plan for providing more readily accessible hospital care for seamen and for improving the physical facilities of those Public Health Service hospitals which are needed to provide such care."

I consider this, Mr. Chairman, to be ample proof of the continuing worth and validity of providing medical care for our seamen.

The authority and implementation of the historic principle of providing medical care for seamen is contained in section 2 of the Public Health Service Act (42 U.S.C. 249(a)(1)) which states as follows:

"(a) The following persons shall be entitled, in accordance with regulations, to medical, surgical, and dental treatment and hospitalization without charge at hospitals and other stations of the Service:

(1) Seamen employed on vessels of the United States registered, enrolled, and licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade;"

Seamen are defined (42 U.S.C. 201(h)) as follows:

"The term 'seamen' includes any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation;"

Following the enactment of these provisions, the Public Health Service interpreted "seamen" as including owners or joint owners of a vessel. However, by a notice published in the Federal Register on May 26, 1954, the regulations were amended to exclude such persons from the benefits of the pertinent sections of the Public Health Service Act.

The revision of the term "seamen" which appeared in the Federal Register, May 26, 1954, page 3027, reads as follows:

"The term 'seamen' includes any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation, but does not include the owner or joint owners of a vessel or the spouse of any such owner."

In connection with this new interpretation of the term "seamen" the Public Health Service stated in its June 24, 1954, "Outpatient Office Guide Transmittal Letter No. 38":

"This revision of the regulations excludes the owner or joint owners of a vessel or the spouse of any such owner from receiving medical benefits under the provisions of section 322 of the Public Health Service Act (Public Law 410, 78th Cong., as amended).

"The amendment is based on a General Counsel's opinion that the term 'employed' as used in statutory language of the Public Health Service Act may not, in the light of legislative history, reasonably be interpreted as equivalent to 'occupied' or 'engaged in' but must be taken to refer to services rendered in an employment relationship under a contract or hire, expressed or implied.

"The fact that an owner or joint owner serves aboard a vessel as master or in any other seafaring occupation does not entitle him to medical benefits from the Public Health Service since he is not performing these duties in an employment situation. This decision does not affect the eligibility of a master of a vessel (or the spouse of a master) who is employed by a corporation in which he owns stock."

Since 1954, when the ruling was first formulated, numerous bills have been introduced to make it possible again for the owners or coowners of a vessel to be eligible for Public Health Service care. The bills are:

84th Congress:

1st session: H.R. 6813, Representative Miller (Maryland), June 14, 1955.

2d session:

H.R. 10069, Delegate E. L. Bartlett, March 20, 1956.

S. 3667, Senator Magnuson, April 18, 1956.

85th Congress:

1st session: H.R. 2395, Delegate E. L. Bartlett, January 10, 1957.

2d session: S. 3724, Senator Magnuson, April 29, 1958.

86th Congress:

1st session:

S. 255, Senator Magnuson, January 14, 1959.

H.R. 4868, Representative Pelly, February 23, 1959.

2d session: H.R. 9926, Representative Clem Miller, January 26, 1960.

87th Congress:

1st session:

H.R. 2262, Representative Clem Miller, January 9, 1961.

S. 367, Senators Magnuson and Bartlett, January 11, 1961.

H.R. 3797, Representative Rivers (Alaska), February 2, 1961.

H.R. 8029, Representative Hansen, July 10, 1961.

2d session: H.R. 10921, Representative Pelly, March 26, 1962.

Past opposition to legislation such as S. 367 has involved the charge that the effects of the amendment would go far beyond the intent of Congress to provide medical care to seamen. For instance, the April 30, 1957, report of the Department of Health, Education, and Welfare on an identical bill, H.R. 2395, which I had introduced, stated that:

"The effect of this amendment would be to extend eligibility for Federal medical care to two groups not eligible under present law (1) self-employed seamen, e.g., owner-operators of small vessels, including those engaged in certain excursion or noncommercial fishing operations, and (2) passengers, guests, or others on board a registered enrolled or licensed vessel who are not regular members of the crew but who may perform some useful service related to the care, preservation, or navigation of the vessel."

Some of these effects may not be desired by the Congress, for instance, provision of Public Health Service medical care for passengers, guests, or others on board a registered vessel. If it develops that there are cases in which the wording of S. 367 may predictably lead to coverage of classes of individuals, such as passengers and guests, to whom the Congress never intended to extend Public Health Service medical care, I would urge that the committee revise the language of the amendment, where necessary, and make unmistakably clear in the legislative history of this bill the specific types of individuals to which it intends that the Public Health Service benefits should apply.

S. 367 and the other similar bills which have been introduced have sought to make clear that owners or coowners employed or engaged on vessels could avail themselves of the Public Health Service Act's medical benefits. In Alaska, and in the Pacific Northwest generally, the effects of the 1954 ruling have been particularly harsh upon the smaller owner-operator, the person whose income is small, whose documented vessel is small, yet who does the same work, who faces the same hazards, and who has the same needs for medical care as the rest of his crew, which is entitled to hospitalization. Moreover, it is this small owner-operator who, first, forms the backbone of our commercial fishing fleet, and second, has played such a vital defense role in the past wars in which the United States has become involved, for instance, in our defense of Alaska and particularly the Aleutians in World War II. Third, our owner-operators are crucial in possible future conflicts, for instance, in situations in which air and land transport between Alaska and the lower 48 States may be interrupted.

Also related to the harsh effect which the 1954 ruling dealt to our small owner-operators is the following statement from the Public Health Service's June 1954 "Outpatient Office Guide Transmittal Letter No. 38":

"This decision does not affect the eligibility of a master of a vessel (or the spouse of a master) who is employed by a corporation in which he owns stock."

It is apparent that under this qualification and with a suitable, clever, and time-consuming reorganization of his business, a currently ineligible owner or coowner could become eligible for Public Health Service Act medical benefits.

However, Mr. Chairman, our owner-operators of fishing vessels have neither the time nor the resources to engage in protracted reorganizations of their business operations just to cope with Public Health Service rulings. They are too busy attempting to wrest a living from the harsh and unpredictable ocean.

I have received much support for this legislation not only from Alaska but also from other States, particularly in the Pacific Northwest. As an indication of interest and support which Alaskans have given to this legislation, I would like to include in the record at the conclusion of my statement, copy of House Resolution No. 6, passed by the Alaska House of Representatives on February 20, 1961. I should like also to enclose several letters in support of S. 367 from interested Alaskans.

I respectfully urge that the committee approve this legislation.

BODEGA BAY, CALIF.

Congressman CLEM MILLER.

DEAR SIR: I am the owner of the fishing vessel *Velma-A* which is documented. I am very much in favor of letting the owner of a fishing boat into the marine hospital. It is just about impossible to get health insurance as the risk of being a fisherman, so it would be a great relief to be able to go to the marine hospital. So I'm in favor of the bill H.R. 2262.

Yours truly,

CALVIN ARMSTRONG.

BODEGA BAY, CALIF.

Congressman CLEM MILLER,
House Office Building,
Washington, D.C.

SIR: We are in favor of the bill No. H.R. 2262 for medical and hospital care for documented boatowners as well as crew members. We feel it is an injustice that boatowners are not eligible for marine hospital care as denied due to the ruling of 1954.

We are in hopes you will do your utmost to see that the bill is now passed.

Sincerely yours,

Capt. BILL ANEMA,
Boat "St. Boniface."

SAUSALITO, CALIF., April 23, 1962.

Hon. CLEM MILLER,
Congressman from California,
Washington, D.C.

DEAR CONGRESSMAN: Yesterday, while at sea with the fishing fleet, there was much discussion on the air re H.R. 2262, the bill which would return to fishing boat owners the privilege we once had to receive medical aid via the marine hospitals.

I hope you find it possible to give this bill your full support.

This bill is coming up at a time when most fishermen along this coast are just getting started on their annual harvest, and many are too busy to write to express their support of this measure.

For this reason I should appreciate it if you would tell your colleagues from Oregon, Washington, and Alaska that yesterday I heard fishermen from those States, who are now fishing salmon off the California coast, express definite approval of the House bill.

Yours truly,

HOYT BARNETT.

SAN FRANCISCO, CALIF., April 21, 1962.

Hon. CLEM MILLER,
House Office Building, Washington, D.C.

DEAR CLEM: We wish to commend you for the introduction of H.R. 2262 and to lend our full and unqualified support to this Federal legislative proposal.

The business of commercial fishing presents recognized hazards not encountered in other commercial operations and we feel that our fishermen are

entitled to consideration and care through the services of the Public Health Service.

Sincere best wishes.

JOHN P. GILCHRIST,
Manager, California Seafood Institute.

SAN FRANCISCO, CALIF., April 24, 1962.

HON. CLEM MILLER,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN MILLER: Enactment of H.R. 2262 shall correct an injustice imposed upon active fishermen (seamen), who may own all or a share in a commercial fishing vessel, by administrators of the U.S. Public Health Service through a discriminatory ruling made by them in 1954.

Under the navigation laws of the United States the definition of the term "seamen" includes "any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation."

Since the inception of the U.S. Public Health Service and the establishment of the marine hospitals, working fishermen (seamen), whether they be full owners or part owner of an active fishing vessel, were entitled to and they received medical care and hospitalization without charge through the facilities of the Public Health Service.

Certainly these highly skilled seamen who search the seas and bring food and new wealth to our shores should have their rights to the use of Public Health Service hospitals reinstated.

The Seafarers' International Union of North America, AFL-CIO, respectfully urges passage of H.R. 2262.

Sincerely yours,

JOHN HAWK,
International Representative, Seafarers' International Union of North America, AFL-CIO.

ALASKA FISHERMEN'S UNION,
San Francisco, Calif., April 26, 1962.

Re H.R. 2262.

Congressman CLEM MILLER,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN MILLER: The Alaska Fishermen's Union is wholeheartedly in favor of the enactment into law of H.R. 2262.

The thousands of commercial fishermen who own and operate their own small fishing craft are sorely in need of the protection of the Public Health Service Act. We hope that favorable action is taken on H.R. 2262 so these men who make their living from the sea will be able to receive medical care and hospitalization free of charge at U.S. Public Health Service hospitals.

Sincerely yours,

GEORGE JOHANSEN, *Secretary-Treasurer.*

BODEGA BAY BOAT SHOP,
Bodega Bay, Calif., April 27, 1962.

HON. CLEM MILLER,
House of Representatives, Washington, D.C.

DEAR CLEM: Please support the bill pertaining to hospitalization for the working fish boat owners—where they own and work the fish boat themselves, or with their crew.

Yours truly,

ROY K. FAUGHT.

FORT BRAGG, CALIF.

Mr MILLER: We would like your support on the bill, H.R. 2262, because it is needed by the commercial fishing industry as it is the only hospitalization most fishermen have. It would be a great help to us.

Thank you for your support on this bill.

DONALD KOSKI, *Commercial Fisherman.*

TERMINAL ISLAND, CALIF.

Representative CLEM MILLER,
House of Representatives, Washington, D.C.

SIR: You have the thanks and good wishes of every commercial fisherman on the Pacific coast for having introduced the bill to extend the service of the Public Health to operating commercial fishing boat owners. We, I believe, are the only group in the United States who have not had a raise in price of our product in 12 years and if it was not for surplus and unused materials, which have also gone up in price, and the ability to make most of our own repairs over 50 percent of us would be out of business. Any extensive injury or illness requiring hospitalization would put any one of us out of business. I have discussed this bill with many of the boys here at Fish Harbor and they are very happy that some one is trying to give them a break, instead of trying to break their backs.

Very sincerely and with best wishes,

J. LEONARD MEACHEN,
Boat "Lillian," 27-G-531.

TRINIDAD, CALIF.

Representative CLEM MILLER.

DEAR SIR: As a commercial fisherman, family of five and a \$14,000 investment in boat and gear and several years experience I urge you to help push through H.R. 2262 as this will help my family as well as me, in case of my illness or hospitalization. I'm sure other fishermen and small boat owners feel the same.

Thank you.

Very sincerely,

LOUIE BARNES.

FORT BRAGG, CALIF.

Hon. CLEM MILLER,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN MILLER: I heartily approve your bill which will allow commercial fishermen the use of the marine hospital.

Having seen several accidents to fishermen at sea, I know how much this hospital care can mean to fishermen. I urge you to do your utmost to get approval of this bill.

Thank you.

Yours sincerely,

PAUL W. LACKEY.

EUREKA, CALIF.

DEAR SIR: In view of the forthcoming legislation in Congress on the fishermen's benefit, I wish to draw to your attention the bill, H.R. 2262, and ask of you to consider this bill in favor of passage as this bill alone could mean salvation for a lot of the fishermen like myself, if ever in needs of the hospitalization that this bill could and would afford.

I have been a fisherman most of the time for the last 10 years and I am owner of my own boat, married and family of five, therefore, as stated before, this bill in need could either be the source that make or break a lot of us.

Sincerely yours,

HARRY J. JENSEN.

BROWNSVILLE SHRIMP PRODUCERS ASSOCIATION,
Brownsville, Tex.

THE STATE OF TEXAS,
County of Cameron:

RESOLUTION

Be it resolved by the Brownsville Shrimp Producers Association, in regular meeting duly assembled at Brownsville, Tex., on the 10th day of April 1962, a quorum being present and voting, on motion duly made, seconded and unanimously carried, That this association strongly support, and it does hereby strongly support, Senate bill 367 now pending in the 87th Congress of the United States, being a bill by Senator Warren Magnuson of the State of Washington; be it further

Resolved, That it be, and it is hereby, emphasized that this bill provides a long-needed relief to owner-operators and other self-employed seamen aboard fishing vessels by restoring to them medical care benefits under the Public Health Service Act, removes present inequities, and supplies added incentive to young men to enter, and for older seamen to remain in, the fishing industry.

Done this 10th day of April 1962.

FRANK J. VOLTAGGIO,
President.

Attest :

R. HARDEE III,
Secretary-Treasurer.

Senator BARTLETT. There will be placed in the record telegrams from P. S. Ganty, chairman, Fisheries Committee, Alaska State Chamber of Commerce, Ketchikan, Alaska; and from Harold Z. Hansen, executive secretary, Cordova Aquatic Marketing Association, Cordova, Alaska; and August Felando, general manager, American Tunaboat Association, Tuna Lane, San Diego, Calif.

KETCHIKAN, ALASKA, April 30, 1962.

Senator WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce,
Washington, D.C.:

Alaska State Chamber of Commerce endorses Senate bill 367 to restore medical benefits under Public Health Service Act to owner-operators of fishing vessels and other self-employed seamen. Please notify Senator Bartlett.

P. S. GANTY,
Chairman, Fisheries Committee.

CORDOVA, ALASKA, April 25, 1962.

Senator WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.:

Cordova District Fisheries Union and Cordova Aquatic Marketing Association urge passage of your Senate bill 367. Am sure Senator Bartlett will express the views of Alaska fish boat owners concerning this matter. Wish to express appreciation to you for your continuing efforts in this problem. Your communication of March 28 given widespread publicity among Alaskans. Again thanks.

HAROLD Z. HANSEN,
Executive Secretary, CDFU.

SAN DIEGO, CALIF., May 2, 1962.

Re S. 367.

Senator WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.:

We favor the enactment of this bill. This bill will reverse an administrative ruling made in June 1954 which in turn reversed a previous, and in our opinion a correct, administrative ruling which had been in effect for 20 years or more. This bill is of major interest to the members of our association and to the fishing fleets of the United States. In our opinion a seaman is a seaman whether he be an owner or just a crew member. We respectfully request that this wire be included in the record of the hearings. Our inability to appear at the hearings is due to our many difficulties and necessary appearances in Central and South America.

AUGUST FELANDO,
General Manager, American Tunaboat Association.

Senator BARTLETT. Here is an invitation from Don Cave, president, and R. F. Denbo, manager of the Greater Eureka Chamber of Commerce, Eureka, Calif., suggesting that we hold further hearings in Humboldt County. Let me assure the Greater Eureka Chamber of

Commerce that I am unable to think of a nicer place in which to hold a hearing, but I am forced to take a raincheck on that invitation.

EUREKA, CALIF., April 25, 1962.

HON. WARREN G. MAGNUSON,
Washington, D.C.:

We suggest that you continue your present hearings in Eureka, Humboldt County, Calif. We will be delighted to assist with the organization.

DON CAVE,
President.

R. F. DENBO,
Manager, Greater Eureka Chamber of Commerce.

Senator BARTLETT. I now place in the record a telegram from a California fisherman who supports S. 367.

EUREKA, CALIF., April 26, 1962.

WARREN G. MAGNUSON,
Washington, D.C.:

I support S. 367 and H.R. 2262 at Senate hearing May 2.

WERNER AHL.

Mr. BARTLETT. Similar telegrams were received from the following:

- Alf Anderson, 2505 Donna Drive, Eureka, Calif.
- Louis Barnes, Post Office Box 81, Trinidad, Calif.
- James N. Blum, 6107 Princeton Drive, Eureka, Calif.
- L. R. Carnowsky, Post Office Box 77, Cutten, Calif.
- Don Chera, 2301 Third Street, Eureka, Calif.
- H. N. Christensen, 2265 Stanford Drive, Eureka, Calif.
- Wallace H. Close, Post Office Box 15, Rio Dell, Calif.
- George Collins, Post Office Box 55, Trinidad, Calif.
- Edward Costa, Post Office Box 268, Trinidad, Calif.
- Walter T. Cramer, 3569 Spring Street, Eureka, Calif.
- Benny A. Dettinger, 3470 18th Street, Eureka, Calif.
- Karl Engberg, 3422 Pine Street, Eureka, Calif.
- William Evanow, Jr., Route 1, Box 550, Crescent City, Calif.
- Manuel Figueiredo, Post Office Box 805, Fort Bragg, Calif.
- Darrel Furber, 1553 A Street, Arcata, Calif.
- Walt Ghera, 7185 Humboldt Hill Road, Eureka, Calif.
- Joe Gonsalves, 2503 California Street, Eureka, Calif.
- Emerson Grey, 3904 Cedar Street, Eureka, Calif.
- Chester L. Hall, 1144 Cernon Street, Eureka, Calif.
- Robert Hamblock, Route 1, Box 263, Arcata, Calif.
- Mike Hansen, 1715 Second Street, Eureka, Calif.
- Heakon A. Hanson, 3215 Q Street, Eureka, Calif.
- Harry A. Howard, 2205 Second Street, Eureka, Calif.
- Clarence Hubbard, 1024 M Street, Eureka, Calif.
- George W. Korkan, Trinidad, Calif.
- Carl R. Koskinen, Route 2, Box 110, Fort Bragg, Calif.
- Jack Kostick, 163 McKinley Avenue, Fort Bragg, Calif.
- Otto H. Kraasch, Post Office Box 45, Trinidad, Calif.
- Ramon LeVesque, 2813 F Street, Apartment No. 2, Eureka, Calif.
- Milton Lovdahl, 3239 K Street, Eureka, Calif.
- Eric Madison, 3126 Prospect Street, Eureka, Calif.
- Fred L. Phebus, 2334 C Maple Lane, Eureka, Calif.
- Ralph Potter, 2739 Ocean Avenue, Eureka, Calif.
- Lester Ratzlaff, 2159 Notre Dame Drive, Eureka, Calif.
- Richard Reeves, 1907 Everding Street, Eureka, Calif.
- Keith Richcreek, Post Office Box 34, Crescent City, Calif.
- James W. Riley, 1487 Chester Avenue, Arcata, Calif.
- Wm. Sanford, 1319 Marsh Road, Eureka, Calif.
- George Saubert, 1213 N Street, Eureka, Calif.
- George Shaw, 614 California Street, Eureka, Calif.
- Fred Shipmann, 1488 Santa Clara Street, Eureka, Calif.
- Alfred Shones, 7 A Street, Eureka, Calif.

Robert C. Sholl, 123 Wall Street, Fort Bragg, Calif.
 Robert Silvera, 540 South Harold Street, Fort Bragg, Calif.
 Elmer Steeves, 1766 McKinley Avenue, Arcata, Calif.
 Harold L. Stewart, 2236 California Street, Eureka, Calif.
 Oliver Stiles, 3259 Harrison Avenue, Eureka, Calif.
 Harold Strand, 3390 Union Street, Apartment No. 2, Eureka, Calif.
 Vincent Sunday, 506 A Street, Apartment No. 7, Eureka, Calif.
 Elmer Sundness, 3475 18th Street, Eureka, Calif.
 Norman C. Taylor, 8 Clark Street, Eureka, Calif.
 Henry Tervo, 1106 L Street, Eureka, Calif.
 Ernest Tate, 234 Clark Street, Eureka, Calif.
 Angelo Urbani, Route 1, Box 584, Fort Bragg, Calif.
 Harry Urbani, 320 South Whipple Street, Fort Bragg, Calif.
 Rinaldo Urbani, 153 Livingston Street, Fort Bragg, Calif.
 Rudy Verka, 1639 Nedra Street, Eureka, Calif.
 Arthur C. Wilson, 2325 A Street, Eureka, Calif.
 Emery Wilson, 1780 County Lane, Eureka, Calif.
 Russell Wilson, 2924 L Street, Eureka, Calif.
 Rudolph Woog, Post Office Box 143, Fields Landing, Eureka, Calif.
 F. E. Yost, 1803 Harrison Avenue, Eureka, Calif.
 Richard Young, 2522 Spring Street, Eureka, Calif.

44TH DISTRICT DEMOCRATIC PRECINCT ORGANIZATION,
Seattle, Wash., September 15, 1961.

HON. WARREN G. MAGNUSON,
U.S. Senate, Washington, D.C.

DEAR MR. MAGNUSON: At our last meeting of the 44th District Democratic Precinct Organization the enclosed resolution was offered and adopted by the members.

We wish you to give this resolution serious consideration.

Yours very truly,

ADALAIDE NELSON, *Secretary.*

RESOLUTION RE U.S. PUBLIC HEALTH SERVICE BENEFITS FOR SEAMEN WORKING ON
 SMALL VESSELS

Whereas seamen working aboard fishing vessels and other small work boats in which they hold an interest or part interest were allowed the traditional use of the facilities of the U.S. Public Health Service hospitals prior to June 1954; and

Whereas President Eisenhower at this time, by administrative ruling, eliminated such seamen from their traditional benefits, due to their reclassification as owners rather than seamen aboard such vessels; and

Whereas many of these working boatowners find difficulty in making a decent living from the fruits of their endeavor due to national and international policies beyond their control, with little hope of an adequate return on their respective investments; and

Whereas most working boatowners or part owners of fishing vessels would fall into the classification of small businessmen operating in a joint venture on a share basis, not unlike their crewmen aboard, now covered; and

Whereas the current trend toward social development in the field of national health behooves an increase of Government assistance to the valued fishing seamen; and

Whereas the present policy of excluding such seamen tends to deter the seaman from attempting to improve his station in life or to better his economic status by becoming an operator of a fishing vessel: Now, therefore, be it

Resolved, That we go on record urging President Kennedy, by administrative ruling, to restore the services to self-employed seamen working in fishing vessels so that they may return to their previous status as recognized assets to the national community by virtue of their experience as qualified operating seamen; and be it further

Resolved, That copies of this resolution shall be transmitted herewith to the Governor of the State of Washington, the National Democratic Committee, and to the Democratic members of the Washington congressional delegation.

KING COUNTY DEMOCRATIC CENTRAL COMMITTEE,
Seattle, Wash., June 8, 1961.

Senator WARREN G. MAGNUSON,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: Enclosed is a resolution concerning S. 367, U.S. Public Health Service benefits for seamen working on small vessels, which was passed at the King County Democratic Executive Board meeting on May 23, 1961.

Your help in returning health benefits to the working owners of fishing vessels will be greatly appreciated.

Very truly yours,

BERNARD J. HEAVEY, Jr., *Chairman.*

RESOLUTION RE U.S. PUBLIC HEALTH SERVICE BENEFITS FOR WORKING SEAMEN
 PASSED BY KING COUNTY DEMOCRATIC EXECUTIVE BOARD

Whereas seamen working aboard fishing vessels and other small work boats in which they hold an interest or part interest were allowed the traditional use of the facilities of the U.S. Public Health Service hospitals prior to June 1954; and

Whereas President Eisenhower at this time, by administrative ruling, eliminated such seamen from their traditional benefits, due to their reclassification as owners rather than seamen aboard such vessels; and

Whereas many of these owners find difficulty in making a decent living from the fruits of their endeavor due to national and international policies beyond their control, with little hope of an adequate return on their respective investments; and

Whereas most owners or part owners of fishing vessels would fall into the classification of small businessmen operating in a joint venture on a share basis, not unlike their crewmen aboard, now covered; and

Whereas the current trend toward social development in the field of national health behooves an increase of Government assistance to the valued fishing seaman; and

Whereas the present policy of excluding such seaman tends to deter the seaman from attempting to improve his station in life or to better his economic status by becoming an operator of a fishing vessel: Now, therefore, be it

Resolved, That the King County Democratic Central Committee go on record urging President Kennedy, by administrative ruling, to restore the services to self-employed seamen working on fishing vessels so that they may return to their previous status as recognized assets to the national community by virtue of their experience as qualified operating seamen; and be it further

Resolved, That copies of this resolution shall be transmitted herewith to the Washington State Democratic Central Committee, the Governor of the State of Washington, the National Democratic Committee, and to the Democratic members of the Washington congressional delegation.

RESOLUTION RE U.S. PUBLIC HEALTH SERVICE BENEFITS FOR SEAMEN WORKING ON
 SMALL VESSELS

Whereas seamen working aboard fishing vessels and other small work boats in which they hold an interest or part interest were allowed the traditional use of the facilities of the U.S. Public Health Service hospitals prior to June 1954; and

Whereas President Eisenhower at this time, by administrative ruling, eliminated such seamen from their traditional benefits, due to their reclassification as owners rather than seamen aboard such vessels; and

Whereas many of these working boatowners find difficulty in making a decent living from the fruits of their endeavor due to national and international policies beyond their control, with little hope of an adequate return on their respective investments; and

Whereas most working boatowners or part owners of fishing vessels would fall into the classification of small businessmen operating in a joint venture on a share basis, not unlike their crewmen aboard, now covered; and

Whereas the current trend toward social development in the field of national health behooves an increase of Government assistance to the valued fishing seaman; and

Whereas the present policy of excluding such seaman tends to deter the seaman from attempting to improve his station in life or to better his economic status by becoming an operator of a fishing vessel: Now, therefore, be it

Resolved, That the undersigned go on record urging President Kennedy, by administrative ruling, to restore the services of self-employed seamen working on fishing vessels so that they may return to their previous status as recognized assets to the national community by virtue of their experience as qualified operating seamen; and be it further

Resolved, That copies of this resolution shall be transmitted herewith to the Governor of the State of Washington, the National Democratic Committee, and to the Democratic members of the Washington congressional delegation.

S. 367. Endorsed by the members of Cedar Valley Grange No. 306, met in regular session, April 6, 1962.

[SEAL]

SCOTT M. HOLTON,
Master.

R. W. McANULTY,
Secretary.

SEATTLE, WASH., April 23, 1962.

Senator WARREN G. MAGNUSON,
Senate Office Building, Washington, D.C.:

We wholeheartedly support bill S. 369 as correcting a long standing inequity among fishermen.

HALIBUT PRODUCERS COOPERATIVE,
W. B. JOHNSON, *Manager.*

PUGET SOUND GILLNETTERS ASSOCIATION,
Anacortes, Wash., April 23, 1962.

Senator WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR SENATOR MAGNUSON: In reply to your news release on the hearing to be held on S. 367, we would like to turn in our statement in regard to this act. As owners and operators of generally one or two manned fishing vessels, we are deeply concerned with any medical benefits that could be made available to us.

Here in the Northwest, we do have a large fishing fleet and it would only seem proper for all members of the vessel to be included in a medical plan and not just for certain hired members alone. In our fisheries operation, of owner-skipper, it would be almost impossible for us to hire a crew to operate the boat while the owner stayed ashore.

We of the Puget Sound Gillnetters Association appreciate very much the great amount of effort you, your committee, and certain legislators from our State legislation have made to include the fishermen into a realistic medical aid program and we hope for its early passage into law.

Yours truly,

DAVE MILHOLLAND, *Secretary.*

STIKINE GILLNETTERS ASSOCIATION,
Wrangell, Alaska, April 8, 1962.

Senator WARREN G. MAGNUSON.

DEAR SIR: Due to the hazardous nature of employment involved in the fishing trade with no protection pertaining to medical care, we fully endorse your move in regard to bill (S. 367). We feel that restoring medical care benefits under "Public Health Service Act" to owners and operators of fishing vessels and other self-employed seamen would contribute considerably to restoring a vital role in our Nation's economy as well as defense.

If bill (S. 367) is enacted, it would also be of great value to the Nation's fishing industry.

Yours truly,

GILBERT GUNDERSON, *Secretary.*

WOMEN'S AUXILIARY TO PUGET SOUND GILLNETTERS ASSOCIATION,
Mount Vernon, Wash., April 23, 1962.

HON. WARREN G. MAGNUSON,
Senate Office Building, Washington, D.C.

DEAR MR. MAGNUSON: The members of the Women's Auxiliary of Puget Sound Gillnetters Association believe that Senate bill 367 will be of benefit to the fishing industry, especially the small boatowners who are hardpressed to make a decent living. We also know you will do everything possible to see that it becomes a law.

We wish to thank you for your past efforts in behalf of the fishing industry and feel that we have, in you, one of our best friends and faithful workers.

Would also like to know what happened to the bill calling for better labeling of fisheries imports from foreign countries. Our organization was very interested in this measure.

Thank you again for your loyal support of the fishing industry.

Yours truly,

MARY L. BRETICK, *Secretary.*

FISHERMEN'S COOPERATIVE ASSOCIATION,
Seattle, Wash.

We wish to go on record that we are very much in favor of S. 367, to restore medical care benefits under the Public Health Service Act.

Our organization represents 1,200 vessel owners who are fishermen. They feel they have been discriminated against since 1954 when they were taken off of the eligible list for medical care benefits. The west coast fishermen have contributed a large part to the economy of the national fisheries program. The passage of S. 367 would be a step in the right direction toward keeping this large fleet active.

FRED L. BULLOCK.

HANSEN & ROWLAND, INC.,
Tacoma, Wash., April 19, 1962.

HON. WARREN G. MAGNUSON,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: We are keenly interested in the welfare of boatowners, particularly that vast number operating smaller vessels engaged as tow or general workboats and in the fisheries industry. For the boatowner expenses are high and margin is narrow. Consequently, I feel it is just and equitable the boatowner should derive the same medical benefits from the Public Health Service (Marine Hospital) as his fellow crewmember aboard the ship. Such, I understand, will be accomplished under Senate bill No. 367 scheduled for a public hearing the first week in May.

I, therefore, urge upon you the support and passage of this bill.

Sincerely,

H. T. DUREN, *Vice President.*

INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S
 UNION FEDERATED AUXILIARIES,
Seattle, Wash., April 24, 1962.

Re S. 3093.
 Senator WARREN G. MAGNUSON,
*Senate Office Building,
 Washington, D.C.*

HONORABLE SIR: Our membership has gone on record to commend you on the introduction of S. 3093, the bill to give fishermen collective bargaining rights.

We urge you to follow through until legislation is achieved.

Respectfully yours,

NETTIE CRAYCRAFT, *Corresponding Secretary.*

ISLE OF PALMS, S.C., April 26, 1962.

HON. WARREN G. MAGNUSON,
U.S. Senate,
Committee on Commerce,
Washington, D.C.

DEAR SENATOR MAGNUSON: The commercial fishermen of South Carolina urge the passage of bill S. 367 and sincerely appreciate all you are doing in our behalf.
Very truly yours,

WALTER L. SHAFFER, JR.,
President, South Carolina Fisherman's Association.

WASHINGTON STATE SENATE,
Seattle, February 9, 1962.

Senator WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR WARREN: Thank you very much for your prompt response to my inquiry concerning the status of efforts to secure marine hospitalization for certain persons aboard fishing vessels.

As I mentioned before, this is an issue of coastwide and even nationwide significance, a problem which has besought fishermen since the day the Eisenhower administration saw fit to reinterpret the original benefit act.

I know that I speak for all of the affected fishermen in this area, in thanking you for your splendid efforts thus far. Please advise any action from this area which might be beneficial to the furtherance of this vital matter.

With best personal regards.

Senator JOHN PAPAJANI.

THE SOUTHERN NEW ENGLAND FISHERMEN'S ASSOCIATION, INC.,
Stonington, Conn., March 30, 1962.

HON. WARREN G. MAGNUSON,
New Senate Office Building, Washington, D.C.

DEAR MR. MAGNUSON: It has come to the attention of our association that a hearing will be held on Senate bill No. 367 by the Subcommittee on Merchant Marine and Fisheries on May 2, 1962, at 10 a.m.

The members of our organization respectfully request that you note their endorsement of this amendment and trust that you will see fit to give it your favorable consideration.

Very truly yours,

ISRAEL M. JACOBS, Business Manager.

TWIN CITY FISHERMEN'S CO-OP., ASSOCIATION, INC.,
Port Isabel, Tex., April 10, 1962.

WARREN G. MAGNUSON,
U.S. Senate Washington, D.C.

DEAR SENATOR: Please use your influence on bill (S. 367) which will be of great interest to those concerned with the Texas fishing industry. The bill will be heard on May 2 before the Senate Commerce Committee.

This bill is being sponsored by Chairman Warren G. Magnuson and Senator E. L. (Bob) Bartlett. This bill will restore medical care and benefits under the Public Health Services Act to owners and operators of fishing vessels and other self-employed seamen. Our company owns and operates 63 boats in Texas fishing waters.

Yours truly,

R. E. MONLUX.

CLUTE, TEX., April 29, 1962.

Re House bill S. 367.

HON. WARREN G. MAGNUSON,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: It has been brought to my attention that the hearing on this bill is scheduled for this week. I sincerely hope it will be possible to restore this medical care benefits as it existed prior to 1954 under the Public Health Service for the owner-operators of fishing vessels and other self-employed seamen.

We must continue to pay the especial taxes which were originally designed to provide this care without receiving it. We are living and working in Freeport, Tex., which contributes a great deal from its shrimp and fishing fleets by the very kind of boats whose personnel is denied medical care by the bureaucratic ruling of 1954.

Present day fishing conditions require a very large investment in a boat and most of the men who own them operate them themselves. Viewed from the point of wartime value, these larger fishing boats could take a greater part than was the case in earlier wars when smaller boats were in use. Even then my father and brother rescued seamen in the Gulf of Mexico off Port Isabel from a vessel which had been sunk by enemy attack in the Second World War.

There is also this point to remember—as the fishing requires larger boats with a wider range of territory, the risk to both life and person grows with the distance. This medical care is necessary in providing at least that much protection to a hazardous way of life.

Sincerely yours,

MRS. KATHRYN M. STUART.

CLUTE, TEX., April 29, 1962.

Senator WARREN G. MAGNUSON.
Senate Chamber, Washington D.C.

DEAR MR. MAGNUSON: I would appreciate your full support of S. 367.

I am master and owner of two fishing vessels, *Cora Dean*, shrimp trawler, documented, and *Julia No. 3*, an oyster boat, numbered. I have followed the sea for 70 years, and been a vessel owner and operator since 1891.

I followed shrimping as well as ranching from 1938 till 1954, when I left the sea, but still have the two boats, the ranch, and cattle.

Yours truly,

Capt. GEORGE PASCHAL McNEIR.

P.S.—I was an inmate of Marine Hospital in Galveston with blood poisoning and eye operations several times prior to 1954.

[From the Fishermen's News, Feb. 15, 1962]

MARINE HOSPITALIZATION

Seattle's State Senator John Papajani has well earned a fisheries bouquet for his untiring efforts on marine hospitalization for fishermen. Though the average fisherman might wonder at the value and prerogative of a State senator concerning himself with an issue of national consequence, those close to the senator know that his efforts go far beyond the normal political vote-getting philosophies which are all too prevalent today. As a matter of record, Senator Papajani's efforts have been underway for many months, and yet he has been content to work quietly and diligently without fanfare of publicity which often accompanies political efforts on an issue of this kind.

This is not to say that the senator will succeed where others have failed for lo these many years, but certainly if fishing vessel owners are not returned to their time honored and deserving status under the U.S. Public Health Service facilities it will not be the fault or responsibility of Senator Papajani.

The time has now come for the fishing industry to assist Senator Papajani. The matter of administrative ruling to return the hospital privilege is now under consideration in Washington, D.C. Legislation is in both the Senate and the House. Fishermen concerned should write immediately to their Senators and Congressmen and ask that the question be resolved in 1962.

LONG ISLAND FISHERMEN'S ASSOCIATION,
Westhampton Beach, Long Island, N.Y., April 30, 1962.

Senator WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: I hope that it is not too late for this association to voice an opinion on S. 367. It has just recently come to our attention.

Here on Long Island, N.Y., there are over 100 commercial fishing boats ranging in size from 110 to 30 feet in length that are wholly or partly owned by the captain or crew. A greater majority of these boats belong to this association.

There is no need for me to elaborate on the ills and hardships of the commercial fishing industry, as no doubt, you are fully aware of them all. Any help that the commercial fishermen of the Nation can receive will go a long way in helping the industry.

S. 367 has in its framework some of this assistance that would be most beneficial to the commercial fishermen of Long Island. This association cannot urge too strongly a favorable report by the Subcommittee on Merchant Marine and Fisheries. We would be most grateful, if the time permits, if you could convey the feeling of this association to the members of the subcommittee before the hearing.

Sincerely yours,

CORNELIUS POILLON, *Executive Secretary.*

San Pedro, Calif., April 26, 1962.
OF SAN PEDRO, AFFILIATED WITH
SEAFARERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO,
SEINE & LINE FISHERMEN'S UNION

HON. WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: The Seine & Line Fishermen's Union of San Pedro, AFL-CIO, wishes to go on record as heartily supporting Senate bill 367. This bill will correct an injustice imposed upon active fishermen (seamen), who may own all or a share in a commercial fishing vessel, by administrators of the U.S. Public Health Service through a discriminatory ruling made by them in June 1954.

Under the navigation laws of the United States the definition of the term "seamen," "includes any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation."

Since the inception of the U.S. Public Health Service and the establishment of the marine hospitals working fishermen (seamen), whether they be full owners or part owners of an active fishing vessel, were entitled to and they received medical care and hospitalization without charge through the facilities of the Public Health Service.

This is of major interest to the fishing fleets, and certainly these highly skilled seamen who search the seas and bring food and new wealth to our shores should have their rights to the use of Public Health Service hospitals reinstated.

This organization respectfully urges passage of Senate bill 367.

Sincerely yours,

JOHN CALISE, *Secretary.*

CANNERY WORKERS & FISHERMEN'S UNION,
AFFILIATED WITH SEAFARERS INTERNATIONAL
UNION OF NORTH AMERICA, AFL-CIO,
San Diego, Calif., April 27, 1962.

HON. WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: We notice that S. 367 will be up for hearing soon. It was our intention to come back and testify in favor of the proposed amendment to section 2(h) of the Public Health Service Act (42 U.S.C. 201(h)). We were hopeful that this hearing would take place along about the same time as

the hearings on the tuna quota bill; however, there seems to be considerable spread between these two hearings.

Enactment of S. 367 will only serve to correct an injustice that was imposed on working fishermen under a 1954 U.S. Public Health Service ruling. We are of the opinion that if a seaman working a fishing boat is a part owner or not, he should be included under the U.S. Public Health Service for medical and hospital without charge.

We are very much in favor of the passage of S. 367 and respectfully request that this letter be included in the record of hearings that is to be held shortly.

Sincerely,

LESTER BALINGER, *Secretary-Treasurer.*

CALIFORNIA FISH CANNERS ASSOCIATION, INC.,
Terminal Island, Calif., April 25, 1962.

Senator WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR SENATOR MAGNUSON: The California Fish Canners Association wishes to go on record as heartily supporting S. 367, a bill to provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel.

This bill, as we understand it, simply seeks to amend section 2(h) of the Public Health Service Act (42 U.S.C. 201(h)) to reverse an administrative ruling made in June 1954 which, in turn, reversed a previous administrative ruling which had been in effect for 20 years or more, extending medical care to self-employed seamen working on small vessels 5 net tons and over. This is of major interest to the fishing fleets on which our member cannery depend.

The original administrative interpretation of the above-mentioned Public Health Service Act was, in our opinion, correct. This provided for medical care to all persons working on board these vessels irrespective of whether they were working for themselves, or as owners, or as part owners of vessels or whether they were employees working for others, just so long as they were employed in the "care, preservation, or navigation of any vessel or in the service on board of those engaged in such care, preservation, or navigation."

In May 1954 the General Counsel of the Department of Health, Education, and Welfare issued an opinion reversing the above interpretation which had stood for more than 20 years.

We favor the enactment of S. 367 to correct this inequity and discrimination against our fishing fleets.

We respectfully request that this letter be included in the record of the hearings to be held shortly on S. 367.

Sincerely yours,

CHAS. R. CARRY, *Executive Director.*

NATIONAL MARITIME UNION, USNS MISSION SAN RAFAEL,
MARINE TRANSPORT LINES,
New York, N.Y., April 15, 1962.

Senator WARREN G. MAGNUSON,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: By direction and authority of the membership, you are once more addressed to ask your continued efforts on behalf of the American merchant marine to forestall any effort of the administration to curtail or cease the services of the U.S. Public Health Service to American seamen.

We are all familiar with the never ending work of your good office to bolster and improve the prestige and service of our Nation's merchant marine, and are duly appreciative.

Thanking you for your record of dedication to the American merchant marine and our country, we are,

Respectfully,

EMBRI STOKES, *Chairman.*
WM. M. WEAVER, *Secretary.*

THE SEAFARERS INTERNATIONAL UNION
OF NORTH AMERICA, AFL-CIO,
Brooklyn, N.Y., April 24, 1962.

HON. WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: Enactment of Senate bill 367 shall correct an injustice imposed upon active fishermen (seamen) who may own all or a share in a commercial fishing vessel by administrators of the U.S. Public Health Service through a discriminatory ruling made by them in 1954.

Under the navigation laws of the United States the definition of the term "seamen" "includes any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation."

Since the inception of the U.S. Public Health Service and the establishment of the marine hospitals working fishermen (seamen), whether they be full owners or part owners of an active fishing vessel, were entitled to and they received medical care and hospitalization without charge through the facilities of the Public Health Service.

Certainly these highly skilled seamen who search the seas and bring food and new wealth to our shores have their rights to the use of Public Health Service hospitals reinstated.

The Seafarers International Union of North America, AFL-CIO, respectfully urges passage of Senate bill 367.

Sincerely yours,

JOHN HAWK, *International Representative.*

MILO, MOORE & ASSOCIATES,
Seattle, Wash., April 4, 1962.

Re S. 367.

Senator WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: I urge your committee's consideration and approval of S. 367 to restore medical care benefits under the Public Health Service Act to owner-operators of fishing craft, and other self-employed seamen.

This service and care given to American seamen has provided a wonderful aid to those who man their boats at sea and in coastwise trade. The act provides a strong inducement for U.S. mariners and fishermen to stay with their chosen trade of keeping our sea lanes open.

It appears that through an oversight in the drafting of the mariners' Public Health Service Act, the owner-operators of small fishing craft were exempted from benefits provided under the act. Seamen operating such craft rightfully should be covered for sick benefits along with members of their crews. It is doubtful that the inclusion of fishing vessel owners under the act (many who never fully own their mortgaged boats) will add greatly to public expense.

S. 367 provides medical care for a deserving segment of our men in boats who are among our most deserving citizens for their accomplishments to improve the general welfare of all Americans.

Sincerely yours,

MILO MOORE,
Fisheries Consultant, Pacific Coast Oyster Growers' Association.

TEXAS SHRIMP ASSOCIATION,
Brownsville, Tex., April 17, 1962.

Re. S. 367.

HON. RALPH YARBOROUGH,
U.S. Senate, Washington, D.C.

DEAR MR. YARBOROUGH: It is the consensus of the Texas Shrimp Association that we should ask support for S. 367. We appreciate your giving us a chance to express our views to you on this matter.

The effect of the legislation on our shrimp industry would be to make available to owner captains the same benefits that are presently enjoyed by nonowner captains under the Public Health Service Act. We believe this to be proper and certainly will prove beneficial to the independent one-boat owner-operator.

Respectfully yours,

J. E. BARR,
Executive Secretary.

FISHERMAN'S MARKETING ASSOCIATION, INC., OF BODEGA BAY,
Bodega Bay, Calif.

Senator W. G. MAGNUSON,
Senate Office Building, Washington, D.C.

DEAR SIR: The Fisherman's Marketing Association of Bodega Bay which represents over 90 commercial fishermen here would like you to do everything in your power to get bill S. 367 approved and passed. We feel that these boat-owners who operate their own fishing boats are entitled to the same medical and hospitalization as seamen and the fishermen who are employed on the boats.

We feel that you are to be commended on your efforts in this matter and sincerely hope you can get this legislation passed.

Very sincerely,

ANDY J. BROWN, Sr.,
President.

PUGET SOUND SALMON CANNERS, INC.,
Seattle, Wash., April 20, 1962.

HON. WARREN G. MAGNUSON,
*Committee on Commerce,
United States Senate, Washington, D.C.*

MY DEAR SENATOR MAGNUSON: I am in receipt of a copy of your letter of March 28, to Mr. Herald A. O'Neill, secretary of the Association of Pacific Fisheries, with reference to Senate bill 367, also enclosure of press release for Monday, March 26, on Senate bill 367. This letter was forwarded to me by Mr. O'Neill who is also executive secretary of the Puget Sound Salmon Cannery, Inc., of which I am the president. The Puget Sound Salmon Cannery, Inc., is composed of salmon cannery in the Puget Sound area but who are also members of the Association of Pacific Fisheries as all have operations in Alaska.

We, from a selfish standpoint would like to see medical care benefits under the Public Health Service Act restored to owner-operators of fishing vessels. However, we do not agree with the statement made in the press release stating "the hazardous nature of employment on fishing vessels." In fact, our association for the last several years has been discussing the merits of liability to vessel owners under the Jones Act.

We have taken unanimous action by our association to endeavor to have the Jones Act amended to exempt all fishing efforts and seamen's efforts operating in territorial waters under which the States claim jurisdiction and such employment to be covered by legislation under local workmen's compensation laws of the respective States where such employment is done.

I know you are aware that all salmon net fishing operation in the State of Washington does not exceed territorial limits and same is also true in Alaska waters. Salmon fishing is not a hazardous employment. However, we are plagued in our industry by the Jones Act which was set up basically for sailing vessels and steamers plying international waters and foreign ports and high seas fishing vessels which did not come back to home port for many months at a time. However, today, salmon fishing as previously stated is conducted within the territorial waters of the States and home port is just a matter of hours for modern transportation.

It is becoming practically prohibitive for some vessels to operate if they must hire even only one crew member on account of liability insurance rates they must pay to be covered by the Jones Act. Insurance claims and judgments granted by courts based on the Jones Act have cut the insurance field down so that there are only two insurance companies in the United States that will write such insurance. These judgments granted under the Jones Act are absolutely absurd in comparison to Washington State compensation laws for other employments which are more hazardous than fishing. We, as previously stated, have taken action by our association in our meetings instructing our officers to endeavor to

secure relief from this situation. We are, however, at a loss at the procedure on this matter. However, we fully realize that same must be done by Congress by legislation.

We do not wish to advance suggested legislation to you without fully discussing this matter with you and considering all suggestions that you may advance. In your position, you are approached by many groups of people and may have ideas which we are not acquainted with. We do need relief on this problem of the Jones Act and our goal as previously mentioned is to secure legislation to exempt fishermen and seamen from the Jones Act when operations are conducted in territorial waters.

We would be pleased if on your next trip to the State of Washington, you could make arrangements to meet with a committee of our association to discuss this problem.

Yours very truly,

PUGET SOUND SALMON CANNERS, INC.,
J. N. PLANCICH, *President.*

Senator BARTLETT. With that I thank you again for having testified and the committee will stand in recess.

(Whereupon, at 12:35 p.m., the subcommittee adjourned subject to call by the chairman.)

(The following letter was subsequently supplied for the record:)

THE SECRETARY OF COMMERCE,
Washington, D.C., May 25, 1962.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further reply to your request for views of this Department with respect to S. 367, a bill to provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel.

Section 322(a) of the Public Health Service Act (42 U.S.C. 249(a)(1)) authorizes that Service to provide medical, surgical, and dental treatment and hospitalization without charge at hospitals and other stations of the Service to seamen "employed" on vessels of the United States registered, enrolled, and licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade. Section 2(h) of the Public Health Service Act (12 U.S.C. 201(h)) presently defines the term seamen as including any person "employed" on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation or navigation.

S. 367 would extend that authority to persons "engaged" on board such vessels. The bill would apparently include self-employed seamen such as owner-operators of small vessels and others who are not regularly employed members of the crew but who may be "engaged" in some service related to the care, preservation, or navigation of the vessel.

The President, as indicated in his health message to Congress of February 27, 1962, has asked the Secretary of Health, Education, and Welfare to develop a plan for providing more readily accessible hospital care to merchant seamen. This is a matter of concern to the Department of Commerce in view of our responsibility for maritime programs. Pertinent to these considerations are questions of eligibility for free medical care of various categories of persons "employed" or "engaged" on board a vessel under present-day circumstances.

This work should be completed within the next few months and the Department of Commerce will then be in a position to advise more fully on the legislation before your committee. Pending completion of these considerations, this Department believes it would be inappropriate to extend free medical care to any additional groups and recommends that S. 367 not be enacted at this time.

The Bureau of the Budget advises there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

EDWARD GUDEMAN,
Under Secretary of Commerce.



